

HOUSE AMENDMENTS TO HOUSE BILL 3400

By JOINT COMMITTEE ON IMPLEMENTING MEASURE 91

June 22

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and lines 3
2 through 5 and insert “amending ORS 133.005, 133.525, 133.721, 133.726, 153.005, 161.015, 161.705,
3 163.095, 165.805, 166.070, 181.010, 181.534, 181.537, 181.610, 181.645, 181.646, 238.005, 471.001, 471.360,
4 471.375, 471.675, 471.775, 475.300, 475.302, 475.303, 475.304, 475.306, 475.309, 475.312, 475.314, 475.316,
5 475.319, 475.320, 475.323, 475.326, 475.328, 475.331, 475.334, 475.338, 475.340, 475.342, 475.752, 475.856,
6 475.858, 475.860, 475.862, 475.864, 475.900, 475.904, 616.010, 659A.320, 659A.403, 659A.409, 659A.885
7 and 802.250 and section 32, chapter 54, Oregon Laws 2012, section 2, chapter 79, Oregon Laws 2014,
8 and sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30,
9 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 48, 49, 50, 51, 53, 56, 57, 58, 59, 60, 61, 63, 64, 65,
10 66, 67, 68, 69, 70 and 72, chapter 1, Oregon Laws 2015; repealing ORS 475.324 and sections 26, 42,
11 55, 71, 81, 82, 83, 84, 85 and 86, chapter 1, Oregon Laws 2015, and sections 32, 44, 45, 46, 47, 48, 49,
12 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 69, 70, 71, 72, 73 and 74, chapter ____, Oregon
13 Laws 2015 (Enrolled Senate Bill 964); and declaring an emergency.”.

14 Delete lines 7 through 27 and delete pages 2 through 33 and insert:

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“BALLOT MEASURE 91

“OPERATIVE JANUARY 1, 2016

“(Definitions)

“**SECTION 1.** Section 5, chapter 1, Oregon Laws 2015, is amended to read:

“**Sec. 5.** As used in sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act]:

“[(1) ‘Authority’ means the Oregon Health Authority.]

“[(2) ‘Commission’ means the Oregon Liquor Control Commission.]

“[(3)] (1) ‘Consumer’ means a person who purchases, acquires, owns, holds[,] or uses marijuana items other than for the purpose of resale.

“(2) ‘Cannabinoid’ means any of the chemical compounds that are the active constituents of marijuana.

“(3) ‘Cannabinoid concentrate’ means a substance obtained by separating cannabinoids from marijuana by:

“(a) A mechanical extraction process;

“(b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

“(c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or

1 “(d) Any other process identified by the Oregon Liquor Control Commission, in consul-
2 tation with the Oregon Health Authority, by rule.

3 “(4) ‘Cannabinoid edible’ means food or potable liquid into which a cannabinoid concen-
4 trate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

5 “(5) ‘Cannabinoid extract’ means a substance obtained by separating cannabinoids from
6 marijuana by:

7 “(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane,
8 hexane or propane;

9 “(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide,
10 if the process uses high heat or pressure; or

11 “(c) Any other process identified by the commission, in consultation with the authority,
12 by rule.

13 “(6)(a) ‘Cannabinoid product’ means a cannabinoid edible and any other product intended
14 for human consumption or use, including a product intended to be applied to the skin or hair,
15 that contains cannabinoids or dried marijuana leaves or flowers.

16 “(b) ‘Cannabinoid product’ does not include:

17 “(A) Usable marijuana by itself;

18 “(B) A cannabinoid concentrate by itself;

19 “(C) A cannabinoid extract by itself; or

20 “(D) Industrial hemp, as defined in ORS 571.300.

21 “[(4) ‘Department’ means the State Department of Agriculture.]

22 “[(5)(a)] (7)(a) [‘Financial consideration,’ except as provided in paragraph (b) of this subsection,]
23 ‘Financial consideration’ means value that is given or received **either** directly or indirectly
24 through sales, barter, trade, fees, charges, dues, contributions or donations.

25 “(b) ‘Financial consideration’ does not [mean any of the following] **include**:

26 “(A) Homegrown marijuana [made by another person.] **that is given or received when nothing**
27 **is given or received in return; or**

28 “(B) Homemade [marijuana products made by another person.] **cannabinoid products or**
29 **cannabinoid concentrates that are given or received when nothing is given or received in**
30 **return.**

31 “[(6)] (8) ‘Homegrown’ or ‘homemade’ means grown or made by a person 21 years of age or older
32 for noncommercial purposes.

33 “[(7)] (9) ‘Household’ means a housing unit[,] and [includes] any place in or around [the] a
34 housing unit at which the occupants of the housing unit are producing, processing, [keeping,] or
35 storing homegrown marijuana or homemade [marijuana] **cannabinoid products or cannabinoid**
36 **concentrates.**

37 “[(8)] (10) ‘Housing unit’ means a house, an apartment[,] **or** a mobile home, **or** a group of
38 rooms[,] or a single room that is occupied as separate living quarters, in which the occupants live
39 and eat separately from any other persons in the building and [which have] **that has** direct access
40 from the outside of the building or through a common hall.

41 “[(9) ‘Immature marijuana plant’ means a marijuana plant with no observable flowers or buds.]

42 “(11) ‘Immature marijuana plant’ means a marijuana plant that is not flowering.

43 “[(10)] (12) ‘Licensee’ means [any] a person [holding] **who holds** a license issued under [this
44 Act] **section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015**[, or any person holding a license or
45 permit issued under any regulation promulgated under paragraph (e) of subsection (2) of section 7 of

1 *this Act*].

2 “[(11)] **(13)** ‘Licensee representative’ means an owner, director, officer, manager, employee,
3 agent[,] or other representative of a licensee, to the extent [*such*] **that the** person acts in [*such*] **a**
4 representative capacity.

5 “[(12)(a)] ‘*Marijuana*’ means all parts of the plant *Cannabis* family *Moraceae*, whether growing or
6 not, other than *marijuana* extracts.]

7 “[(b)] ‘*Marijuana*’ does not include industrial hemp, as defined in ORS 571.300, or industrial hemp
8 commodities or products.]

9 “[(13)] ‘*Marijuana extract*’ means a product obtained by separating resins from *marijuana* by sol-
10 vent extraction, using solvents other than vegetable glycerin, such as butane, hexane, isopropyl alcohol,
11 ethanol, and carbon dioxide.]

12 “**(14)(a)** ‘*Marijuana*’ means the plant *Cannabis* family *Cannabaceae*, any part of the plant
13 *Cannabis* family *Cannabaceae* and the seeds of the plant *Cannabis* family *Cannabaceae*.

14 “**(b)** ‘*Marijuana*’ does not include industrial hemp, as defined in ORS 571.300.

15 “[(14)(a)] **(15)** ‘*Marijuana* flowers’ means the flowers of the plant [*Cannabis* family *Moraceae*]
16 **genus *Cannabis* within the plant family *Cannabaceae*.**

17 “[(b)] ‘*Marijuana* flowers’ does not include any part of the plant other than the flowers.]

18 “[(15)] **(16)** ‘*Marijuana* items’ means *marijuana*, [*marijuana* products, and *marijuana* extracts]
19 **cannabinoid products, cannabinoid concentrates and cannabinoid extracts.**

20 “[(16)(a)] **(17)** ‘*Marijuana* leaves’ means the leaves of the plant [*Cannabis* family *Moraceae*]
21 **genus *Cannabis* within the plant family *Cannabaceae*.**

22 “[(b)] ‘*Marijuana* leaves’ does not include any part of the plant other than the leaves.]

23 “[(17)] **(18)** ‘*Marijuana* processor’ means a person who processes *marijuana* items in this state.

24 “[(18)] **(19)** ‘*Marijuana* producer’ means a person who produces *marijuana* in this state.

25 “[(19)(a)] ‘*Marijuana* products’ means products that contain *marijuana* or *marijuana* extracts and
26 are intended for human consumption.]

27 “[(b)] ‘*Marijuana* products’ does not mean:]

28 “[(A)] *Marijuana*, by itself; or]

29 “[(B)] A *marijuana* extract, by itself.]

30 “(20) ‘*Marijuana* retailer’ means a person who sells *marijuana* items to a consumer in this state.

31 “(21) ‘*Marijuana* wholesaler’ means a person who purchases *marijuana* items in this state for
32 resale to a person other than a consumer [*in this state*].

33 “(22) ‘*Mature marijuana* plant’ means [*any*] **a** *marijuana* plant that is not an immature *marijuana*
34 plant.

35 “(23) ‘*Noncommercial*’ means not dependent or conditioned upon the provision or receipt of fi-
36 nancial consideration.

37 “[(24)] ‘*Person*’ means any natural person, corporation, professional corporation, nonprofit corpo-
38 ration, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited
39 liability company, general or limited partnership, joint venture, or any other legal entity.]

40 “[(25)] ‘*Premises*’ or ‘*licensed premises*’ means a location licensed under sections 3 to 70 of this Act
41 and includes:]

42 “**(24)(a)** ‘*Premises*’ or ‘*licensed premises*’ includes the following areas of a location li-
43 censed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015:

44 “[(a)] **(A)** All **public and private** enclosed areas at the location that are used in the business
45 operated at the location, including offices, kitchens, rest rooms and storerooms[, *including all public*

1 *and private areas*];

2 “[(b) (B) All areas outside [of] a building that the [*Oregon Liquor Control*] commission has
3 specifically licensed for the production, processing, wholesale sale[,] or retail sale of marijuana
4 items; and

5 “[(c) (C) For a location that the commission has specifically licensed for the production of
6 marijuana outside [of] a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee
7 owns, leases[,] or has a right to occupy.

8 “(b) **‘Premises’ or ‘licensed premises’ does not include a primary residence.**

9 “[(26)(a)] (25)(a) ‘Processes’ means[:]

10 “[*(A)*] the processing, compounding[,] or conversion of marijuana into [*marijuana products or*
11 *marijuana extracts*;] **cannabinoid products, cannabinoid concentrates or cannabinoid extracts.**

12 “(b) **‘Processes’ does not include packaging or labeling.**

13 “[*(B)*] *The processing, compounding, or conversion of marijuana, either directly or indirectly by*
14 *extraction from substances of natural origin, or independently by means of chemical synthesis, or by*
15 *a combination of extraction and chemical synthesis*;]

16 “[*(C)*] *The packaging or repackaging of marijuana items; or*

17 “[*(D)*] *The labeling or relabeling of any package or container of marijuana items.*]

18 “[(b) ‘Processes’ does not include:]

19 “[*(A)*] *The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise*
20 *processing marijuana; or*

21 “[*(B)*] *The packaging and labeling of marijuana by a marijuana producer in preparation for deliv-*
22 *ery to a marijuana processor.*]

23 “[(27)(a)] (26)(a) ‘Produces’ means the manufacture, planting, cultivation, growing[,] or harvest-
24 ing of marijuana.

25 “(b) ‘Produces’ does not include:

26 “(A) The drying of marijuana by a marijuana processor, if the marijuana processor is not oth-
27 erwise producing marijuana; or

28 “(B) The cultivation and growing of an immature marijuana plant by a marijuana processor,
29 marijuana wholesaler[,] or marijuana retailer if the marijuana processor, marijuana wholesaler[,] or
30 marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

31 “(27) **‘Propagate’ means to grow immature marijuana plants or to breed or produce the**
32 **seeds of the plant Cannabis family Cannabaceae.**

33 “(28) ‘Public place’ means a place to which the general public has access and includes, but is
34 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
35 rooms or apartments designed for actual residence, and highways, streets, schools, places of
36 amusement, parks, playgrounds and [*premises*] **areas** used in connection with public passenger
37 transportation.

38 “[(29) ‘Usable marijuana’ means dried marijuana flowers and dried marijuana leaves, and any
39 mixture or preparation thereof.]

40 “(29)(a) **‘Usable marijuana’ means the dried leaves and flowers of marijuana.**

41 “(b) **‘Usable marijuana’ does not include:**

42 “(A) **The seeds, stalks and roots of marijuana; or**

43 “(B) **Waste material that is a by-product of producing or processing marijuana.**

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“(Powers and Duties of Commission)”

1 “**SECTION 2.** Section 7, chapter 1, Oregon Laws 2015, is amended to read:

2 “**Sec. 7.** (1) The Oregon Liquor Control Commission has the powers and duties specified in
3 sections 3 to 70, **chapter 1, Oregon Laws 2015, and** *[of this Act, and also]* the powers necessary
4 or proper to enable *[it]* **the commission** to carry out *[fully and effectually all the purposes of]* **the**
5 **commission’s duties, functions and powers under** sections 3 to 70, **chapter 1, Oregon Laws**
6 **2015** *[of this Act]*. The jurisdiction, supervision, *[powers and duties]* **duties, functions and powers**
7 of the commission extend to any person who buys, sells, produces, processes, transports[,] or delivers
8 any marijuana items within this state. The commission may sue and be sued.

9 “(2) The *[function,]* duties, **functions** and powers of the commission in sections 3 to 70, **chapter**
10 **1, Oregon Laws 2015,** *[of this Act]* include the following:

11 “(a) To regulate the purchase, sale, production, processing, transportation[,] and delivery of
12 marijuana items in accordance with the provisions of sections 3 to 70, **chapter 1, Oregon Laws**
13 **2015** *[of this Act]*.

14 “(b) To grant, refuse, suspend or cancel licenses for the sale, processing[,] or production of
15 marijuana items, or other licenses in regard to marijuana items, and to permit, in *[its]* **the**
16 **commission’s** discretion, the transfer of a license *[of any person]* **between persons**.

17 “*[(c) To collect the taxes and duties imposed by sections 3 to 70 of this Act, and to issue, and*
18 *provide for cancellation, stamps and other devices as evidence of payment of such taxes or duties.]*

19 “*[(d)]* (c) To investigate and aid in the prosecution of every violation of *[Oregon statutes]* **the**
20 **statutory laws of this state** relating to marijuana items[,] and **to** cooperate in the prosecution of
21 offenders before any state court of competent jurisdiction.

22 “*[(e)]* (d) To adopt *[such regulations as are]*, **amend or repeal rules as** necessary *[and feasible*
23 *for carrying]* **to carry** out the intent and provisions of sections 3 to 70, **chapter 1, Oregon Laws**
24 **2015, including rules that the commission considers necessary to protect the public health**
25 **and safety.** *[of this Act and to amend or repeal such regulations. When such regulations are adopted*
26 *they shall have the full force and effect of law.]*

27 “*[(f)]* (e) To exercise all powers incidental, convenient or necessary to enable *[it]* **the commis-**
28 **sion** to administer or carry out *[any of]* the provisions of sections 3 to 70, **chapter 1, Oregon Laws**
29 **2015, or any other law of this state that charges the commission with a duty, function or**
30 **power related to marijuana** *[of this Act]*. **Powers described in this paragraph include, but are**
31 **not limited to:**

32 “(A) Issuing subpoenas;

33 “(B) Compelling the attendance of witnesses;

34 “(C) Administering oaths;

35 “(D) Certifying official acts;

36 “(E) Taking depositions as provided by law;

37 “(F) Compelling the production of books, payrolls, accounts, papers, records, documents
38 **and testimony; and**

39 “(G) Establishing fees in addition to the application, licensing and renewal fees described
40 **in sections 19, 20, 21 and 22, chapter 1, Oregon Laws 2015, provided that any fee established**
41 **by the commission is reasonably calculated not to exceed the cost of the activity for which**
42 **the fee is charged.**

43 “*[(g) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or*
44 *retailers of marijuana items by the medium of newspapers, letters, billboards, radio or otherwise.]*

45 “(f) **To adopt rules regulating and prohibiting marijuana producers, marijuana processors,**

1 marijuana wholesalers and marijuana retailers from advertising marijuana items in a man-
2 ner:

3 “(A) That is appealing to minors;

4 “(B) That promotes excessive use;

5 “(C) That promotes illegal activity; or

6 “(D) That otherwise presents a significant risk to public health and safety.

7 “[*h*] (g) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing,
8 mechanical, industrial and other purposes.

9 “(3) Fees collected pursuant to subsection (2)(e)(G) of this section shall be deposited in
10 the Marijuana Control and Regulation Fund established under section 32 of this 2015 Act.

11 “[*3*] On or before January 1, 2016, the commission, after consultation with the State Department
12 of Agriculture and the Oregon Health Authority, shall prescribe forms and adopt such rules and reg-
13 ulations as the commission deems necessary for the implementation and administration of sections 3 to
14 70 of this Act.]

15 “[*4*] On or before January 1, 2017, the commission shall:]

16 “[*a*] Examine available research, and may conduct or commission new research, to investigate the
17 influence of marijuana on the ability of a person to drive a vehicle and on the concentration of delta-9
18 tetrahydrocannabinol in a person’s blood, in each case taking into account all relevant factors; and]

19 “[*b*] Present the results of the research to the Legislative Assembly and make recommendations to
20 the Legislative Assembly regarding whether any amendments to the Oregon Vehicle Code are appro-
21 priate.]

22 “[*5*] The commission has no power to purchase, own, sell, or possess any marijuana items.]

23
24 “(Power to Purchase, Possess, Seize, Dispose)

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26 “**SECTION 3.** The Oregon Liquor Control Commission may purchase, possess, seize or
27 dispose of marijuana items as is necessary for the commission to ensure compliance with
28 and enforce the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, and any rule
29 adopted under sections 3 to 70, chapter 1, Oregon Laws 2015.

30 “**SECTION 4.** Any state officer, board, commission, corporation, institution, department
31 or other state body, and any local officer, board, commission, institution, department or
32 other local government body, that is authorized by the statutory laws of this state to per-
33 form a duty, function or power with respect to a marijuana item, may purchase, possess,
34 seize or dispose of the marijuana item as the state officer, board, commission, corporation,
35 institution, department or other state body, or the local officer, board, commission, institu-
36 tion, department or other local government body, considers necessary to ensure compliance
37 with and enforce the applicable statutory law or any rule adopted under the applicable stat-
38 utory law.

39
40 “(Regulation of Licensees)

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42 “**SECTION 5.** Section 25, chapter 1, Oregon Laws 2015, is amended to read:

43 “**Sec. 25.** (1) A license granted under sections 3 to 70, chapter 1, Oregon Laws 2015 [*of this*
44 *Act shall*]:

45 “(a) [*Be*] **Is** a purely personal privilege.

1 “(b) [Be] **Is** valid for the period stated in the license.

2 “(c) [Be] **Is** renewable in the manner provided in section 28, **chapter 1, Oregon Laws 2015** [of
3 *this Act*], except for a cause [which] **that** would be grounds for refusal to issue [such] **the** license
4 under section 29, **chapter 1, Oregon Laws 2015** [of *this Act*].

5 “(d) [Be] **Is** revocable or suspendible as provided in section 30, **chapter 1, Oregon Laws 2015**
6 [of *this Act*].

7 “(e) [Be] **Is** transferable from the premises for which the license was originally issued to another
8 premises subject to the provisions of [*this Act, any*] **sections 3 to 70, chapter 1, Oregon Laws 2015,**
9 **applicable** rules of the Oregon Liquor Control Commission and [*any municipal ordinance or local*
10 *regulation*] **applicable local ordinances.**

11 “(f) [Cease] **Expires** upon the death of the licensee, except as provided in subsection (2) of this
12 section.

13 “(g) **Does** not constitute property.

14 “(h) **Is** not [be] alienable.

15 “(i) **Is** not [be] subject to attachment or execution.

16 “(j) **Does** not descend by the laws of testate or intestate devolution.

17 “(2) The commission may, by order, provide for the manner and conditions under which:

18 “(a) Marijuana items left by [*any*] **a** deceased, insolvent or bankrupt person or licensee, or sub-
19 ject to a security interest, may be foreclosed, sold under execution or otherwise disposed [of].

20 “(b) The business of [*any*] **a** deceased, insolvent or bankrupt licensee may be operated for a
21 reasonable period following the death, insolvency or bankruptcy.

22 “(c) [A business licensed pursuant to sections 3 to 70 of this Act subject to a security interest may
23 be continued in business by a secured party as defined in ORS 79.0102] **A secured party, as defined**
24 **in ORS 79.0102, may continue to operate a business for which a license has been issued under**
25 **section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015,** for a reasonable period after default on
26 the indebtedness by the debtor.

27 “**SECTION 6.** Section 27, chapter 1, Oregon Laws 2015, is amended to read:

28 “**Sec. 27.** (1) A marijuana producer, marijuana processor[,] or marijuana wholesaler [*shall*] **may**
29 deliver marijuana items only to or on a licensed premises.

30 “(2) **A licensed premises may receive marijuana items only from a marijuana producer,**
31 **marijuana processor or marijuana wholesaler for whom a premises has been licensed by the**
32 **Oregon Liquor Control Commission.**

33 “(3) The sale of marijuana items [*under any license issued by the Oregon Liquor Control Com-*
34 *mission for retail sales by a licensee shall*] **by a marijuana retailer that holds a license issued**
35 **under section 22, chapter 1, Oregon Laws 2015, must** be restricted to the premises described in
36 the license, but deliveries may be made by the marijuana retailer to consumers pursuant to **a** bona
37 fide [*orders*] **order** received [*on*] **at** the licensed premises prior to delivery.

38 “**SECTION 7.** Section 28, chapter 1, Oregon Laws 2015, is amended to read:

39 “**Sec. 28.** (1) [*Any person desiring*] **An applicant for** a license or renewal of a license under
40 sections 3 to 70, **chapter 1, Oregon Laws 2015, shall apply** [*of this Act shall make application*] to
41 the Oregon Liquor Control Commission [*upon forms to be furnished*] **in the form required** by the
42 commission, showing the name and address of the applicant, location of the place of business that
43 is to be operated under the license[,] and [*such*] other pertinent information [*as*] **required by** the
44 commission [*may require*]. [*No license shall be granted or renewed*] **The commission may not grant**
45 **or renew a license** until the applicant has complied with the provisions of sections 3 to 70, **chapter**

1 **1, Oregon Laws 2015**, [of this Act] and the rules of the commission.

2 “(2) The commission may reject any application that is not submitted in the form required by
3 rule. The commission shall give applicants an opportunity to be heard if an application is rejected.
4 A hearing under this subsection is not subject to the requirements for contested case proceedings
5 under ORS chapter 183.

6 “(3) Except as provided in subsection (2) of this section, a revocation of, or a refusal to issue
7 or renew, a license under sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] is subject
8 to the requirements for contested case proceedings under ORS chapter 183.

9 “[4] *The commission shall assess a nonrefundable fee for processing a new or renewal application*
10 *for any license authorized by sections 3 to 70 of this Act. The application processing fee shall be*
11 *\$250.*]

12 “[5] *The annual license fee for any license granted under sections 3 to 70 of this Act shall be*
13 *\$1,000. The license fee is nonrefundable and shall be paid by each applicant upon the granting or*
14 *committing of a license.*]

15 “**SECTION 8.** Section 29, chapter 1, Oregon Laws 2015, is amended to read:

16 “**Sec. 29.** (1) The Oregon Liquor Control Commission may not license [any] **an** applicant under
17 the provisions of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] if the applicant is
18 under 21 years of age.

19 “(2) The [Oregon Liquor Control] commission may refuse to license [any] **an** applicant under the
20 provisions of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] if the commission has
21 reasonable ground to believe [any of the following to be true:]

22 “[a] *That there are sufficient licensed premises in the locality set out in the application, or that the*
23 *granting of a license in the locality set out in the application is not demanded by public interest or*
24 *convenience. In determining whether there are sufficient licensed premises in the locality, the commis-*
25 *sion shall consider seasonal fluctuations in the population of the locality and shall ensure that there*
26 *are adequate licensed premises to serve the needs of the locality during the peak seasons.*]

27 “[b] that the applicant:

28 “[A] (a) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana[,] or con-
29 trolled substances to excess.

30 “[B] (b) Has made false statements to the commission.

31 “[C] (c) Is incompetent or physically unable to carry on the management of the establishment
32 proposed to be licensed.

33 “[D] (d) Has been convicted of violating a general or local law of this state or another state,
34 or of violating a federal law, if the conviction is substantially related to the fitness and ability of
35 the applicant to lawfully carry out activities under the license.

36 “[E] *Has maintained an insanitary establishment.*]

37 “[F] (e) Is not of good repute and moral character.

38 “[G] (f) [Did] **Does** not have a good record of compliance with sections 3 to 70, **chapter 1,**
39 **Oregon Laws 2015**, [of this Act] or any rule of the commission adopted [pursuant thereto] **under**
40 **sections 3 to 70, chapter 1, Oregon Laws 2015.**

41 “[H] (g) Is not the legitimate owner of the business proposed to be licensed, or other persons
42 have ownership interests in the business [which] **that** have not been disclosed.

43 “[I] (h) Is not possessed of or has not demonstrated financial responsibility sufficient to ade-
44 quately meet the requirements of the business proposed to be licensed.

45 “[J] (i) Is unable to understand the laws of [Oregon] **this state** relating to marijuana or the

1 rules of the commission **relating to marijuana**.

2 “(3) Notwithstanding [subparagraph (D) of paragraph (b) of] subsection (2)(d) of this section, in
3 determining whether the commission may refuse to license an applicant, the commission may not
4 consider the prior conviction of the applicant or any owner, director, officer, manager, employee,
5 agent[,] or other representative of the applicant for:

6 “(a) The manufacture of marijuana, if:

7 “(A) The date of the conviction is **two or more** [than five] years before the date of the applica-
8 tion; and

9 “(B) The person has not been convicted more than once for the manufacture or delivery of
10 marijuana;

11 “(b) The delivery of marijuana to a person 21 years of age or older, if:

12 “(A) The date of the conviction is **two or more** [than five] years before the date of the applica-
13 tion; and

14 “(B) The person has not been convicted more than once for the manufacture or delivery of
15 marijuana; or

16 “(c) The possession of marijuana.

17 “**SECTION 9.** Section 30, chapter 1, Oregon Laws 2015, is amended to read:

18 “**Sec. 30.** [(1)] The Oregon Liquor Control Commission may [cancel] **revoke** or suspend [any] **a**
19 license issued under sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act], if the commission
20 finds or has reasonable ground to believe any of the following to be true:

21 “[a)] (1) That the licensee:

22 “[A)] (a) Has violated [any] **a** provision of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of
23 this Act] or [any] **a** rule of the commission adopted [pursuant thereto] **under sections 3 to 70,**
24 **chapter 1, Oregon Laws 2015.**

25 “[B)] (b) Has made any false representation or statement to the commission in order to induce
26 or prevent action by the commission.

27 “[C) Has maintained an insanitary establishment.]

28 “[D)] (c) Is insolvent or incompetent or physically unable to carry on the management of the
29 establishment of the licensee.

30 “[E)] (d) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana[,] or controlled
31 substances to excess.

32 “[F)] (e) Has misrepresented to a customer or the public any marijuana items sold by the
33 licensee.

34 “[G)] (f) Since the granting of the license, has been convicted of a felony, of violating any of
35 the marijuana laws of this state, general or local, or of any misdemeanor or violation of any mu-
36 nicipal ordinance committed on the licensed premises.

37 “[b)] (2) That there is any other reason that, in the opinion of the commission, based on public
38 convenience or necessity, warrants canceling or suspending [such] **the** license.

39 “[2) Civil penalties under this section shall be imposed as provided in ORS 183.745.]

40 “**SECTION 10.** For the purpose of requesting a state or nationwide criminal records check
41 under ORS 181.534, the Oregon Liquor Control Commission may require the fingerprints of
42 any individual listed on an application submitted under section 28, chapter 1, Oregon Laws
43 2015.

44 “**SECTION 11.** Section 18, chapter 1, Oregon Laws 2015, is amended to read:

45 “**Sec. 18.** (1) [On or before January 4, 2016,] The Oregon Liquor Control Commission shall [begin

1 receiving applications for the licensing of persons] **approve or deny an application** to produce,
2 process[,] and sell marijuana [within the state] **under sections 19, 20, 21 and 22, chapter 1, Oregon**
3 **Laws 2015**. Upon [receipt of a license] **receiving an** application, the commission [shall] **may** not
4 unreasonably delay [the processing, approval, or rejection of] **processing, approving or denying** the
5 application or, if the application is approved, [the issuance of] **issuing** the license.

6 “(2) The licenses described in sections [3 to 70 of this Act shall] **19, 20, 21 and 22, chapter 1,**
7 **Oregon Laws 2015, must** be issued by the commission, subject to [its regulations and restrictions
8 and] the provisions of sections 3 to 70 [of this Act], **chapter 1, Oregon Laws 2015, and the rules**
9 **adopted under sections 3 to 70, chapter 1, Oregon Laws 2015**.

10 “(3) The commission may not license a premises that does not have defined boundaries. A li-
11 censed premises [need not] **does not need to** be enclosed by a wall, fence or other structure, but the
12 commission may require that [any] **a** licensed premises be enclosed as a condition of issuing or re-
13 newing a license. The commission may not license [premises that are] mobile **premises**.

14
15 “(License Holders)
16

17 “**SECTION 12.** Section 19, chapter 1, Oregon Laws 2015, is amended to read:

18 “**Sec. 19.** (1) The production of marijuana is subject to regulation by the Oregon Liquor Control
19 Commission.

20 “(2) A marijuana producer must have a production license issued by the commission for the
21 premises at which the marijuana is produced. **To hold a production license under this section,**
22 **a marijuana producer:**

23 “(a) **Must apply for a license in the manner described in section 28, chapter 1, Oregon**
24 **Laws 2015;**

25 “(b) **Must, until January 1, 2020, provide proof that an applicant listed on an application**
26 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state**
27 **for two or more years, and must provide proof that the applicant is 21 years of age or older;**
28 **and**

29 “(c) **Must meet the requirements of any rule adopted by the commission under subsection**
30 **(3) of this section.**

31 “(3) **The commission shall adopt rules that:**

32 “(a) **Require a marijuana producer to annually renew a license issued under this section;**

33 “(b) **Establish application, licensure and renewal of licensure fees for marijuana produc-**
34 **ers;**

35 “(c) **Require marijuana produced by marijuana producers to be tested in accordance with**
36 **section 92 of this 2015 Act;**

37 “(d) **Require marijuana producers to submit, at the time of applying for or renewing a**
38 **license under section 28, chapter 1, Oregon Laws 2015, a report describing the applicant’s or**
39 **licensee’s electrical or water usage; and**

40 “(e)(A) **Require a marijuana producer to meet any public health and safety standards and**
41 **industry best practices established by the commission by rule related to:**

42 “(i) **The production of marijuana; or**

43 “(ii) **The propagation of immature marijuana plants and the seeds of the plant Cannabis**
44 **family Cannabaceae.**

45 “(B) **For purposes of establishing rules under subparagraph (A)(ii) of this paragraph, the**

1 commission may not limit:

2 “(i) The number of immature marijuana plants that may be possessed by a marijuana
3 producer licensed under this section;

4 “(ii) The size of the grow canopy a marijuana producer licensed under this section uses
5 to grow immature marijuana plants; or

6 “(iii) The weight or size of shipments of immature marijuana plants made by a marijuana
7 producer licensed under this section.

8 “(4) Fees adopted under subsection (3)(b) of this section:

9 “(a) May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws
10 2015, with respect to marijuana producers;

11 “(b) Shall be in the form of a schedule that imposes a greater fee for premises with more
12 square footage or on which more mature marijuana plants are grown; and

13 “(c) Shall be deposited in the Marijuana Control and Regulation Fund established under
14 section 32 of this 2015 Act.

15 “SECTION 13. (1) Subject to subsection (2) of this section, the Oregon Liquor Control
16 Commission shall adopt rules restricting the size of mature marijuana plant grow canopies
17 at premises for which a license has been issued under section 19, chapter 1, Oregon Laws
18 2015. In adopting rules under this subsection, the commission shall:

19 “(a) Limit the size of mature marijuana plant grow canopies, for premises where
20 marijuana is grown outdoors and for premises where marijuana is grown indoors, in a man-
21 ner calculated to result in premises that produce the same amount of harvested marijuana
22 leaves and harvested marijuana flowers regardless of whether the marijuana is grown out-
23 doors or indoors.

24 “(b) Adopt a tiered system under which the permitted size of a marijuana producer’s
25 mature marijuana plant grow canopy increases at the time of licensure renewal under sec-
26 tion 19, chapter 1, Oregon Laws 2015, except that the permitted size of a marijuana
27 producer’s mature marijuana plant grow canopy may not increase following any year during
28 which the commission disciplined the marijuana producer for violating a provision of sections
29 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under a provision of sections 3 to 70,
30 chapter 1, Oregon Laws 2015.

31 “(c) Take into consideration the market demand for marijuana items in this state, the
32 number of persons applying for a license under section 19, chapter 1, Oregon Laws 2015, and
33 to whom a license has been issued under section 19, chapter 1, Oregon Laws 2015, and
34 whether the availability of marijuana items in this state is commensurate with the market
35 demand.

36 “(2) This section does not apply to a premises for which a license has been issued under
37 section 19, chapter 1, Oregon Laws 2015, if the premises is used only to propagate immature
38 marijuana plants.

39 “SECTION 14. Section 20, chapter 1, Oregon Laws 2015, is amended to read:

40 “Sec. 20. (1) The processing of marijuana items is subject to regulation by the Oregon Liquor
41 Control Commission.

42 “(2) A marijuana processor must have a processor license issued by the commission for the
43 premises at which marijuana items are processed. **To hold a processor license under this section,**
44 **a marijuana processor:**

45 “(a) **Must apply for a license in the manner described in section 28, chapter 1, Oregon**

1 **Laws 2015;**

2 **“(b) Must, until January 1, 2020, provide proof that an applicant listed on an application**
3 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state**
4 **for two or more years, and must provide proof that the applicant is 21 years of age or older;**

5 **“(c) If the marijuana processor processes marijuana extracts, may not be located in an**
6 **area zoned exclusively for residential use; and**

7 **“(d) Must meet the requirements of any rule adopted by the commission under sub-**
8 **section (3) of this section.**

9 **“(3) The commission shall adopt rules that:**

10 **“(a) Require a marijuana processor to annually renew a license issued under this section;**

11 **“(b) Establish application, licensure and renewal of licensure fees for marijuana**
12 **processors;**

13 **“(c) Require marijuana processed by a marijuana processor to be tested in accordance**
14 **with section 92 of this 2015 Act; and**

15 **“(d) Require a marijuana processor to meet any public health and safety standards and**
16 **industry best practices established by the commission by rule related to:**

17 **“(A) Cannabinoid edibles;**

18 **“(B) Cannabinoid concentrates;**

19 **“(C) Cannabinoid extracts; and**

20 **“(D) Any other type of cannabinoid product identified by the commission by rule.**

21 **“(4) Fees adopted under subsection (3)(b) of this section:**

22 **“(a) May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws**
23 **2015, with respect to marijuana processors; and**

24 **“(b) Shall be deposited in the Marijuana Control and Regulation Fund established under**
25 **section 32 of this 2015 Act.**

26 **“SECTION 15.** Section 21, chapter 1, Oregon Laws 2015, is amended to read:

27 **“Sec. 21. (1) The wholesale sale of marijuana items is subject to regulation by the Oregon Li-**
28 **quor Control Commission.**

29 **“(2) A marijuana wholesaler must have a wholesale license issued by the commission for the**
30 **premises at which marijuana items are received, [kept,] stored[,] or delivered. To hold a wholesale**
31 **license under this section, a marijuana wholesaler:**

32 **“(a) Must apply for a license in the manner described in section 28, chapter 1, Oregon**
33 **Laws 2015;**

34 **“(b) Must, until January 1, 2020, provide proof that an applicant listed on an application**
35 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state**
36 **for two or more years, and must provide proof that the applicant is 21 years of age or older;**

37 **“(c) May not be located in an area that is zoned exclusively for residential use; and**

38 **“(d) Must meet the requirements of any rule adopted by the commission under sub-**
39 **section (3) of this section.**

40 **“(3) The commission shall adopt rules that:**

41 **“(a) Require a marijuana wholesaler to annually renew a license issued under this sec-**
42 **tion;**

43 **“(b) Establish application, licensure and renewal of licensure fees for marijuana whole-**
44 **salers;**

45 **“(c) Require marijuana items received, stored or delivered by a marijuana wholesaler to**

1 be tested in accordance with section 92 of this 2015 Act; and

2 “(d) Require a marijuana wholesaler to meet any public health and safety standards and
3 industry best practices established by the commission by rule.

4 “(4) Fees adopted under subsection (3)(b) of this section:

5 “(a) May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws
6 2015, with respect to marijuana wholesalers; and

7 “(b) Shall be deposited in the Marijuana Control and Regulation Fund established under
8 section 32 of this 2015 Act.

9 “SECTION 16. Section 22, chapter 1, Oregon Laws 2015, is amended to read:

10 “**Sec. 22.** (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor
11 Control Commission.

12 “(2) A marijuana retailer must have a retail license issued by the commission for the premises
13 at which marijuana items are sold. **To hold a retail license under this section, a marijuana
14 retailer:**

15 “(a) **Must apply for a license in the manner described in section 28, chapter 1, Oregon
16 Laws 2015;**

17 “(b) **Must, until January 1, 2020, provide proof that an applicant listed on an application
18 submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state
19 for two or more years, and must provide proof that the applicant is 21 years of age or older;**

20 “(c) **May not be located in an area that is zoned exclusively for residential use;**

21 “(d) **May not be located within 1,000 feet of:**

22 “(A) **A public elementary or secondary school for which attendance is compulsory under
23 ORS 339.020; or**

24 “(B) **A private or parochial elementary or secondary school, teaching children as de-
25 scribed in ORS 339.030 (1)(a); and**

26 “(e) **Must meet the requirements of any rule adopted by the commission under subsection
27 (3) of this section.**

28 “(3) **The commission shall adopt rules that:**

29 “(a) **Require a marijuana retailer to annually renew a license issued under this section;**

30 “(b) **Establish application, licensure and renewal of licensure fees for marijuana retailers;**

31 “(c) **Require marijuana items sold by a marijuana retailer to be tested in accordance with
32 section 92 of this 2015 Act; and**

33 “(d) **Require a marijuana retailer to meet any public health and safety standards and in-
34 dustry best practices established by the commission by rule.**

35 “(4) **Fees adopted under subsection (3)(b) of this section:**

36 “(a) **May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws
37 2015, with respect to marijuana retailers; and**

38 “(b) **Shall be deposited in the Marijuana Control and Regulation Fund established under
39 section 32 of this 2015 Act.**

40 “SECTION 17. **If a school described in section 22 (2)(d), chapter 1, Oregon Laws 2015, that
41 has not previously been attended by children is established within 1,000 feet of a premises for
42 which a license has been issued under section 22, chapter 1, Oregon Laws 2015, the marijuana
43 retailer located at that premises may remain at that location unless the Oregon Liquor
44 Control Commission revokes the license of the marijuana retailer under section 30, chapter
45 1, Oregon Laws 2015.**

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“(Segregated Premises)

“**SECTION 18.** As is necessary to protect the public health and safety, the Oregon Liquor Control Commission may require a premises licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, to be segregated into separate areas:

“(1) For conducting the activities permitted under each license if the licensee holds more than one license issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; or

“(2) For conducting activities related to processing marijuana into different types of cannabinoid products, cannabinoid concentrates or cannabinoid extracts, if the licensee is a marijuana processor that processes marijuana into any combination of different types of products, concentrates and extracts.

“(Marijuana Handlers)

“**SECTION 19.** (1) An individual who performs work for or on behalf of a person who holds a license under section 22, chapter 1, Oregon Laws 2015, must have a valid permit issued by the Oregon Liquor Control Commission under section 20 of this 2015 Act if the individual participates in:

“(a) The possession, securing or selling of marijuana items at the premises for which the license has been issued;

“(b) The recording of the possession, securing or selling of marijuana items at the premises for which the license has been issued; or

“(c) The verification of any document described in section 16, chapter 1, Oregon Laws 2015.

“(2) A person who holds a license under section 22, chapter 1, Oregon Laws 2015, must verify that an individual has a valid permit issued under section 20 of this 2015 Act before allowing the individual to perform any work described in subsection (1) of this section at the premises for which the license has been issued.

“**SECTION 20.** (1) The Oregon Liquor Control Commission shall issue permits to qualified applicants to perform work described in section 19 of this 2015 Act. The commission shall adopt rules establishing:

“(a) The qualifications for performing work described in section 19 of this 2015 Act;

“(b) The term of a permit issued under this section;

“(c) Procedures for applying for and renewing a permit issued under this section; and

“(d) Reasonable application, issuance and renewal fees for a permit issued under this section.

“(2)(a) The commission may require an individual applying for a permit under this section to successfully complete a course, made available by or through the commission, through which the individual receives training on:

“(A) Checking identification;

“(B) Detecting intoxication;

“(C) Handling marijuana items;

“(D) The content of sections 3 to 70, chapter 1, Oregon Laws 2015, and rules adopted under sections 3 to 70, chapter 1, Oregon Laws 2015; and

“(E) Any matter deemed necessary by the commission to protect the public health and

1 safety.

2 “(b) The commission or other provider of the course may charge a reasonable fee for the
3 course.

4 “(c) The commission may not require an individual to successfully complete the course
5 more than once, except that:

6 “(A) As part of a final order suspending a permit issued under this section, the com-
7 mission may require a permit holder to successfully complete the course as a condition of
8 lifting the suspension; and

9 “(B) As part of a final order revoking a permit issued under this section, the commission
10 shall require an individual to successfully complete the course prior to applying for a new
11 permit.

12 “(3) The commission shall conduct a criminal records check under ORS 181.534 on an
13 individual applying for a permit under this section.

14 “(4) Subject to the applicable provisions of ORS chapter 183, the commission may sus-
15 pend, revoke or refuse to issue or renew a permit if the individual who is applying for or who
16 holds the permit:

17 “(a) Is convicted of a felony, except that the commission may not consider a conviction
18 for the manufacture or delivery of marijuana if the date of the conviction is two or more
19 years before the date of the application or renewal;

20 “(b) Violates any provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or any rule
21 adopted under sections 3 to 70, chapter 1, Oregon Laws 2015; or

22 “(c) Makes a false statement to the commission.

23 “(5) A permit issued under this section is a personal privilege and permits work described
24 under section 19 of this 2015 Act only for the individual who holds the permit.

25
26 “(Employment Relations)
27

28 “SECTION 20a. (1) An employee of a person licensed under section 19, 20, 21 or 22,
29 chapter 1, Oregon Laws 2015, has the right to form, join and participate in the activities of
30 a labor organization of the employee’s own choosing for the purpose of securing represen-
31 tation and collective bargaining for matters concerning employment relations with the per-
32 son licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

33 “(2) For purposes of this section, the provisions of ORS chapters 661 to 663 apply to re-
34 lations between employees of persons licensed under section 19, 20, 21 and 22, chapter 1,
35 Oregon Laws 2015, and employers that are licensed under section 19, 20, 21 or 22, chapter 1,
36 Oregon Laws 2015, in the same manner that those provisions apply to other employment
37 relations.

38 “SECTION 20b. (1) It is an unlawful employment practice for a person that holds a li-
39 cense under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, to discharge, demote,
40 suspend or in any manner discriminate or retaliate against an employee of the person with
41 regard to promotion, compensation or other terms, conditions or privileges of employment
42 on the basis that the employee has in good faith reported information to the Oregon Liquor
43 Control Commission that the employee believes is evidence of a violation of a provision of
44 sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under a provision of sections
45 3 to 70, chapter 1, Oregon Laws 2015.

1 “(2) This section is subject to enforcement under ORS chapter 659A.

2 “**SECTION 20c.** In adopting rules related to industry best practices under sections 19, 20,
3 21 and 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commission may estab-
4 lish merit-based criteria for licensure or renewal of licensure, including, but not limited to,
5 possession of a developed business plan, access to sufficient capital, offering living wages and
6 benefits to employees, provision of training and apprenticeship, provision of community
7 benefits, implementation of best environmental practices and implementation of consumer
8 safety practices.

9
10 “(Bonds and Liability Insurance)

11
12 “**SECTION 21.** (1) Except as provided in subsection (2) of this section, the Oregon Liquor
13 Control Commission may require a person that holds a license under section 22, chapter 1,
14 Oregon Laws 2015, to maintain on file with the commission a bond with a corporate surety
15 authorized to transact business in this state. The bond shall be in a form acceptable to the
16 commission and shall be in an amount that the commission determines is reasonably af-
17 fordable and available. The bond is payable to the commission if the licensee fails to pay any
18 tax imposed on the retail sale of marijuana items as required by state law.

19 “(2) In lieu of maintaining the bond required by subsection (1) of this section, a person
20 that holds a license under section 22, chapter 1, Oregon Laws 2015, may deposit in a bank
21 or trust company for the benefit of the commission an equivalent amount in cash, letters
22 of credit recognized by the State Treasurer or negotiable securities of a character approved
23 by the State Treasurer. Interest earned on deposited funds or securities shall accrue to the
24 person that made the deposit.

25 “**SECTION 22.** As is necessary to protect the public health and safety, the Oregon Liquor
26 Control Commission may require a person that holds a license under section 19, 20, 21 or 22,
27 chapter 1, Oregon Laws 2015, to maintain general liability insurance in an amount that the
28 commission determines is reasonably affordable and available for the purpose of protecting
29 the person against damages resulting from a cause of action related to activities undertaken
30 pursuant to the license.

31
32 “(Seed to Sale Tracking System)

33
34 “**SECTION 23.** (1) The Oregon Liquor Control Commission shall develop and maintain a
35 system for tracking the transfer of marijuana items between licensed premises.

36 “(2) The purposes of the system developed and maintained under this section include, but
37 are not limited to:

38 “(a) Preventing the diversion of marijuana items to criminal enterprises, gangs, cartels
39 and other states;

40 “(b) Preventing persons from substituting or tampering with marijuana items;

41 “(c) Ensuring an accurate accounting of the production, processing and sale of marijuana
42 items;

43 “(d) Ensuring that taxes are collected for the purpose of being distributed as described
44 in section 44, chapter 1, Oregon Laws 2015;

45 “(e) Ensuring that laboratory testing results are accurately reported; and

1 “(f) Ensuring compliance with the provisions of sections 3 to 70, chapter 1, Oregon Laws
2 2015, rules adopted under the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, and
3 any other law of this state that charges the commission with a duty, function or power re-
4 lated to marijuana.

5 “(3) The system developed and maintained under this section must be capable of tracking,
6 at a minimum:

7 “(a) The propagation of immature marijuana plants and the production of marijuana by
8 a marijuana producer;

9 “(b) The processing of marijuana by a marijuana processor;

10 “(c) The receiving, storing and delivering of marijuana items by a marijuana wholesaler;

11 “(d) The sale of marijuana items by a marijuana retailer to a consumer;

12 “(e) The purchase and sale of marijuana items between licensees, as permitted by
13 sections 3 to 70, chapter 1, Oregon Laws 2015;

14 “(f) The transfer of marijuana items between licensed premises;

15 “(g) The collection of taxes imposed upon the retail sale of marijuana items under section
16 70 of this 2015 Act; and

17 “(h) Any other information that the commission determines is reasonably necessary to
18 accomplish the duties, functions and powers of the commission under sections 3 to 70,
19 chapter 1, Oregon Laws 2015.

20
21 “(Identification Requirement)
22

23 “**SECTION 24.** Section 16, chapter 1, Oregon Laws 2015, is amended to read:

24 “**Sec. 16.** *[All licensees and licensee representatives, before selling or serving marijuana items to
25 any person about whom there is any reasonable doubt of the person’s having reached 21 years of age,
26 shall require such person to produce one of the following pieces of identification:]*

27 “(1) Subject to subsection (2) of this section, a licensee or licensee representative, before
28 selling or providing a marijuana item to another person, must require the person to produce
29 one of the following pieces of identification:

30 “[(1)] (a) The person’s passport.

31 “[(2)] (b) The person’s [*motor vehicle operator’s*] **driver** license, whether issued in this state or
32 by any other state, [so] **as** long as the license has a picture of the person.

33 “[(3)] (c) An identification card issued under ORS 807.400.

34 “[(4)] (d) A United States military identification card.

35 “[(5)] (e) Any other identification card issued by a state that bears a picture of the person, the
36 name of the person, the person’s date of birth and a physical description of the person.

37 “(2) **The Oregon Liquor Control Commission may adopt rules exempting a licensee or
38 licensee representative from this section.**

39
40 “(Protection of Persons Under 21 Years of Age)
41

42 “**SECTION 25.** Section 49, chapter 1, Oregon Laws 2015, is amended to read:

43 “**Sec. 49.** *[(1) A person under 21 years of age may not attempt to purchase marijuana items.]*

44 “*[(2) Except as authorized by rule or as necessitated in an emergency, a person under 21 years of
45 age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise*

1 identified as being prohibited to the use of minors.]

2 “[3] A person who violates subsection (1) or (2) of this section commits a Class B violation.]

3 “[4] In addition to and not in lieu of any other penalty established by law, a person under 21
4 years of age who violates subsection (1) of this section through misrepresentation of age may be re-
5 quired to perform community service and the court shall order that the person’s driving privileges and
6 right to apply for driving privileges be suspended for a period not to exceed one year. If a court has
7 issued an order suspending driving privileges under this section, the court, upon petition of the person,
8 may withdraw the order at any time the court deems appropriate. The court notification to the De-
9 partment of Transportation under this subsection may include a recommendation that the person be
10 granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.]

11 “[5] If a person cited under this section is at least 13 years of age but less than 21 years of age
12 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in
13 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the
14 department for the department to suspend the person’s driving privileges under ORS 809.280 (4).]

15 “[6] The prohibitions of this section do not apply to a person under 21 years of age who is acting
16 under the direction of the Oregon Liquor Control Commission or under the direction of state or local
17 law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales
18 of marijuana items to persons who are under 21 years of age.]

19 **“(1)(a) A person under 21 years of age may not attempt to purchase, purchase or acquire
20 a marijuana item.**

21 **“(b) For purposes of this subsection, purchasing a marijuana item includes accepting a
22 marijuana item, and acquiring a marijuana item includes consuming a marijuana item, pro-
23 vided that the consumption of the marijuana item occurred no more than 24 hours before
24 the determination that the person consumed the marijuana item.**

25 **“(2) Except as authorized by the Oregon Liquor Control Commission by rule, or as nec-
26 essary in an emergency, a person under 21 years of age may not enter or attempt to enter
27 any portion of a licensed premises that is posted or otherwise identified as being prohibited
28 to the use of persons under 21 years of age.**

29 **“(3) A person who violates subsection (1) or (2) of this section commits a Class B vio-
30 lation.**

31 **“(4) In addition to and not in lieu of any other penalty established by law, a court may
32 require a person under 21 years of age who violates subsection (1) of this section through
33 misrepresentation of age to perform community service, and the court may order that the
34 person’s driving privileges and right to apply for driving privileges be suspended for a period
35 not to exceed one year. If a court has issued an order suspending driving privileges under
36 this section, the court, upon petition of the person, may withdraw the order at any time the
37 court deems appropriate. The court notification to the Department of Transportation under
38 this subsection may include a recommendation that the person be granted a hardship permit
39 under ORS 807.240 if the person is otherwise eligible for the permit.**

40 **“(5) If a person cited under this section is at least 13 years of age but less than 21 years
41 of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure
42 to appear, in addition to and not in lieu of any other penalty, the court shall issue notice
43 under ORS 809.220 to the department for the department to suspend the person’s driving
44 privileges under ORS 809.280 (4).**

45 **“(6) In addition to and not in lieu of any penalty established by law, the court may order**

1 a person to undergo assessment and treatment if the person has previously been found to
2 have violated this section.

3 “(7) The prohibitions of this section do not apply to a person under 21 years of age who
4 is acting under the direction of the commission or under the direction of state or local law
5 enforcement agencies for the purpose of investigating possible violations of laws prohibiting
6 sales of marijuana items to persons who are under 21 years of age.

7 “(8) The prohibitions of this section do not apply to a person under 21 years of age who
8 is acting under the direction of a licensee for the purpose of investigating possible violations
9 by employees of the licensee of laws prohibiting sales of marijuana items to persons who are
10 under 21 years of age.

11 “(9)(a) A person under 21 years of age is not in violation of, and is immune from prose-
12 cution under, this section if:

13 “(A) The person contacted emergency medical services or a law enforcement agency in
14 order to obtain medical assistance for another person who was in need of medical assistance
15 because that person consumed a marijuana item and the evidence of the violation of this
16 section was obtained as a result of the person’s having contacted emergency medical services
17 or a law enforcement agency; or

18 “(B) The person was in need of medical assistance because the person consumed a
19 marijuana item and the evidence of the violation of this section was obtained as a result of
20 the person’s having sought or obtained the medical assistance.

21 “(b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a
22 result of a person’s having sought medical assistance in proceedings for crimes or offenses
23 other than a violation of this section.

24 “SECTION 26. The Oregon Liquor Control Commission may adopt rules establishing the
25 circumstances under which the commission may require a marijuana retailer that holds a
26 license issued under section 22, chapter 1, Oregon Laws 2015, to use an age verification
27 scanner or any other equipment used to verify a person’s age for the purpose of ensuring
28 that the marijuana retailer does not sell marijuana items to a person under 21 years of age.
29 The marijuana retailer may not retain any information obtained under this section after
30 verifying a person’s age. The marijuana retailer may not use any information obtained under
31 this section for any purpose other than verifying a person’s age.

32 “SECTION 27. ORS 659A.403 is amended to read:

33 “659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-
34 diction of this state are entitled to the full and equal accommodations, advantages, facilities and
35 privileges of any place of public accommodation, without any distinction, discrimination or re-
36 striction on account of race, color, religion, sex, sexual orientation, national origin, marital status
37 or age if the individual is [18 years] of age, **as described in this section**, or older.

38 “(2) Subsection (1) of this section does not prohibit:

39 “(a) The enforcement of laws governing the consumption of alcoholic beverages by minors and
40 the frequenting by minors of places of public accommodation where alcoholic beverages are served;
41 [or]

42 “(b) The enforcement of laws governing the use of marijuana items, as defined in section
43 5, chapter 1, Oregon Laws 2015, by persons under 21 years of age and the frequenting by
44 persons under 21 years of age of places of public accommodation where marijuana items are
45 sold; or

1 “[(b)] (c) The offering of special rates or services to persons 50 years of age or older.

2 “(3) It is an unlawful practice for any person to deny full and equal accommodations, advan-
3 tages, facilities and privileges of any place of public accommodation in violation of this section.

4 “**SECTION 28.** ORS 659A.409 is amended to read:

5 “659A.409. Except as provided by laws governing the consumption of alcoholic beverages by
6 minors [*and*], **the use of marijuana items, as defined in section 5, chapter 1, Oregon Laws 2015,**
7 **by persons under 21 years of age,** the frequenting by minors of places of public accommodation
8 where alcoholic beverages are served[,] **and the frequenting by persons under 21 years of age**
9 **of places of public accommodation where marijuana items are sold,** and except for special rates
10 or services offered to persons 50 years of age or older, it is an unlawful practice for any person
11 acting on behalf of any place of public accommodation as defined in ORS 659A.400 to publish, cir-
12 culate, issue or display, or cause to be published, circulated, issued or displayed, any communication,
13 notice, advertisement or sign of any kind to the effect that any of the accommodations, advantages,
14 facilities, services or privileges of the place of public accommodation will be refused, withheld from
15 or denied to, or that any discrimination will be made against, any person on account of race, color,
16 religion, sex, sexual orientation, national origin, marital status or age if the individual is [*18 years*]
17 of age, **as described in this section,** or older.

18
19 “(Enforcement)

20
21 “**SECTION 29.** In addition to any other liability or penalty provided by law, the Oregon
22 Liquor Control Commission may impose for each violation of a provision of sections 3 to 70,
23 chapter 1, Oregon Laws 2015, or a rule adopted under a provision of sections 3 to 70, chapter
24 1, Oregon Laws 2015, a civil penalty that does not exceed \$5,000 for each violation. The
25 commission shall impose civil penalties under this section in the manner provided by ORS
26 183.745. Moneys collected under this section shall be deposited in the Marijuana Control and
27 Regulation Fund established under section 32 of this 2015 Act.

28 “**SECTION 30.** (1) An Oregon Liquor Control Commission regulatory specialist has the
29 authority as provided in ORS 133.005 to 133.400, 133.450, 133.525 to 133.703, 133.721 to 133.739,
30 161.235 and 161.245, ORS chapter 153, chapter 743, Oregon Laws 1971, and sections 3 to 70,
31 chapter 1, Oregon Laws 2015, to conduct inspections and investigations, make seizures, aid
32 in prosecutions for offenses, issue citations for violations and otherwise enforce the pro-
33 visions of sections 3 to 70, chapter 1, Oregon Laws 2015, any rule adopted under sections 3
34 to 70, chapter 1, Oregon Laws 2015, and any other law of this state that charges the com-
35 mission with a duty, function or power related to marijuana, including enforcing any pro-
36 vision of a law or rule related to individuals who use false identification for purposes of
37 purchasing or possessing a marijuana item or who engage in illegal activity on or near a li-
38 censed premises.

39 “(2) A commission regulatory specialist may not:

40 “(a) Be sworn in as a federal law enforcement official and act in that capacity while
41 performing duties under this section.

42 “(b) Carry a firearm.

43 “(c) Conduct inspections and investigations of a primary residence or for purposes of
44 ensuring compliance with section 6, chapter 1, Oregon Laws 2015.

45 “(d) Except as provided in section 116 of this 2015 Act, conduct inspections and investi-

1 gations for purposes of ensuring compliance with ORS 475.300 to 475.346.

2 “**SECTION 31.** For purposes of sections 3 to 70, chapter 1, Oregon Laws 2015, the pro-
3 visions of ORS 183.440 apply to subpoenas issued by the Oregon Liquor Control Commission
4 and any authorized agent of the commission.

5
6 “(Marijuana Control and Regulation Fund)

7
8 “**SECTION 32.** The Marijuana Control and Regulation Fund is established in the State
9 Treasury, separate and distinct from the General Fund. Interest earned by the Marijuana
10 Control and Regulation Fund shall be credited to the fund. Moneys in the fund are contin-
11 uously appropriated to the Oregon Liquor Control Commission to administer and enforce
12 sections 3 to 70, chapter 1, Oregon Laws 2015.

13
14 “(Land Use)

15
16 “**SECTION 33.** Section 59, chapter 1, Oregon Laws 2015, is amended to read:

17 “**Sec. 59.** *[(1) Cities and counties may adopt reasonable time, place and manner regulations of the*
18 *nuisance aspects of establishments that sell marijuana to consumers if the city or county makes specific*
19 *findings that the establishment would cause adverse effects to occur.]*

20 “*[(2) The authority granted to cities and counties by this section is in addition to, and not in lieu*
21 *of, the authority granted to a city or county under its charter and the statutes and Constitution of this*
22 *state.]*

23 “(1) For purposes of this section, ‘reasonable regulations’ includes:

24 “(a) Reasonable conditions on the manner in which a marijuana producer licensed under
25 section 19, chapter 1, Oregon Laws 2015, may produce marijuana;

26 “(b) Reasonable conditions on the manner in which a marijuana processor licensed under
27 section 20, chapter 1, Oregon Laws 2015, may process marijuana;

28 “(c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under
29 section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;

30 “(d) Reasonable limitations on the hours during which a marijuana retailer licensed un-
31 der section 22, chapter 1, Oregon Laws 2015, may operate;

32 “(e) Reasonable conditions on the manner in which a marijuana retailer licensed under
33 section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;

34 “(f) Reasonable requirements related to the public’s access to a premises for which a li-
35 cense has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and

36 “(g) Reasonable limitations on where a premises for which a license may be issued under
37 section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.

38 “(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt or-
39 dinances that impose reasonable regulations on the operation of businesses located at
40 premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon
41 Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or
42 county, except that the governing body of a city or county may not adopt an ordinance that
43 prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon
44 Laws 2015, from being located within a distance that is greater than 1,000 feet of another
45 premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.

1 **Oregon Laws 2015.**

2 “(3) If the governing body of a city or county adopts an ordinance under this section, the
3 governing body shall refer the measure of the ordinance to the electors of the city or county
4 for approval at the next statewide general election.

5 “(4) An ordinance adopted under this section may not impose a tax or fee in excess of 3
6 percent.

7
8 “(Form and Style Amendments)
9

10 “**SECTION 35.** Section 1, chapter 1, Oregon Laws 2015, is amended to read:

11 “**Sec. 1.** (1) The People of the State of Oregon declare that the purposes of **sections 3 to 70,**
12 **chapter 1, Oregon Laws 2015, [this Act]** are:

13 “(a) To eliminate the problems caused by the prohibition and uncontrolled manufacture,
14 delivery[,] and possession of marijuana within this state;

15 “(b) To protect the safety, welfare, health[,] and peace of the people of this state by prioritizing
16 [the] **this** state’s limited law enforcement resources in the most effective, consistent[,] and rational
17 way;

18 “(c) To permit persons licensed, controlled[,] **and** regulated[, and taxed] by this state to legally
19 manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of
20 **sections 3 to 70, chapter 1, Oregon Laws 2015 [this Act]**;

21 “(d) To ensure that the State Department of Agriculture issues industrial hemp licenses and
22 agricultural hemp seed production permits in accordance with [existing] state law; and

23 “(e) To establish a comprehensive regulatory framework concerning marijuana under existing
24 state law.

25 “(2) The People of the State of Oregon intend that the provisions of **sections 3 to 70, chapter**
26 **1, Oregon Laws 2015 [this Act]**, together with [the] other provisions of [existing] state law, will:

27 “(a) Prevent the distribution of marijuana to persons under 21 years of age;

28 “(b) Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs[,] and
29 cartels;

30 “(c) Prevent the diversion of marijuana from this state to other states;

31 “(d) Prevent marijuana activity that is legal under state law from being used as a cover or
32 pretext for the trafficking of other illegal drugs or other illegal activity;

33 “(e) Prevent violence and the use of firearms in **association with** the cultivation and distrib-
34 ution of marijuana;

35 “(f) Prevent drugged driving and the exacerbation of other adverse public health consequences
36 associated with the use of marijuana;

37 “(g) Prevent the growing of marijuana on public lands and the attendant public safety and en-
38 vironmental dangers posed by marijuana production on public lands; and

39 “(h) Prevent the possession and use of marijuana on federal property.

40 “**SECTION 36.** Section 2, chapter 1, Oregon Laws 2015, is amended to read:

41 “**Sec. 2.** [(1) Sections 3 to 70 of this Act are added to and made a part of the Oregon Revised
42 Statutes.]

43 “[2) Section 71 is added to and made a part of ORS chapter 317.]

44 “[3)] (1) Section 72, **chapter 1, Oregon Laws 2015**, is added to and made a part of ORS chapter
45 475.

1 “[4] (2) Section 73, **chapter 1, Oregon Laws 2015**, is added to and made a part of ORS chapter
2 811.

3 “**SECTION 37.** Section 3, chapter 1, Oregon Laws 2015, is amended to read:

4 “**Sec. 3.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] shall be known and may
5 be cited as the Control[,], and Regulation[,], and Taxation] of Marijuana [and Industrial Hemp] Act.

6 “**SECTION 38.** Section 4, chapter 1, Oregon Laws 2015, is amended to read:

7 “**Sec. 4.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] may not be construed:

8 “(1) To amend or affect [in any way any] state or federal law pertaining to employment matters;

9 “(2) To amend or affect [in any way any] state or federal law pertaining to landlord-tenant
10 matters;

11 “(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibit-
12 ing the manufacture, delivery, possession[,], or use of marijuana to the extent necessary to satisfy
13 federal requirements for the grant;

14 “(4) To prohibit a party to a federal contract or a person applying to be a party to a federal
15 contract from prohibiting the manufacture, delivery, possession[,], or use of marijuana to the extent
16 necessary to comply with the terms and conditions of the contract or to satisfy federal requirements
17 for the contract;

18 “(5) To require a person to violate a federal law;

19 “(6) To exempt a person from a federal law or obstruct the enforcement of a federal law; or

20 “(7) To amend or affect [in any way] the Oregon Medical Marijuana Act.

21 “**SECTION 39.** Section 6, chapter 1, Oregon Laws 2015, is amended to read:

22 “**Sec. 6.** (1) Sections 7 to 44 and 60 to 62, **chapter 1, Oregon Laws 2015**, [of this Act] do not
23 apply:

24 “(a) To the production, processing[,], keeping[,], or storage of homegrown marijuana at a household
25 by one or more persons 21 years of age and older, if the total **amount** of homegrown marijuana at
26 the household does not exceed four marijuana plants and eight ounces of usable marijuana at [a
27 given] **any** time.

28 “(b) To the making, processing[,], keeping[,], or storage of homemade [marijuana] **cannabinoid**
29 products at a household by one or more persons 21 years of age and older, if the total **amount** of
30 homemade [marijuana] **cannabinoid** products at the household does not exceed [sixteen] **16** ounces
31 in solid form at [a given] **any** time.

32 “(c) To the making, processing[,], keeping[,], or storage of homemade [marijuana] **cannabinoid**
33 products at a household by one or more persons 21 years of age and older, if the total **amount** of
34 homemade [marijuana] **cannabinoid** products at the household does not exceed [seventy-two] **72**
35 ounces in liquid form at [a given] **any** time.

36 “**(d) To the making, processing or storage of homemade cannabinoid concentrates at a**
37 **household by one or more persons 21 years of age or older, if the total amount of homemade**
38 **cannabinoid concentrates at the household does not exceed 16 ounces at any time.**

39 “[d] (e) To the delivery of not more than one ounce of homegrown marijuana at a [given] time
40 by a person 21 years of age or older to another person 21 years of age or older for noncommercial
41 purposes.

42 “[e] (f) To the delivery of not more than [sixteen] **16** ounces of homemade [marijuana]
43 **cannabinoid** products in solid form at a [given] time by a person 21 years of age or older to another
44 person 21 years of age or older for noncommercial purposes.

45 “[f] (g) To the delivery of not more than [seventy-two] **72** ounces of homemade [marijuana]

1 **cannabinoid** products in liquid form at a *[given]* time by a person 21 years of age or older to an-
2 other person 21 years of age or older for noncommercial purposes.

3 **“(h) To the delivery of not more than 16 ounces of cannabinoid concentrates at a time**
4 **by a person 21 years of age or older to another person 21 years of age or older for noncom-**
5 **mercial purposes.**

6 **“(2) Sections 7 to 70, chapter 1, Oregon Laws 2015** *[of this Act]*:

7 **“(a) Do not apply to the extent a person acts within the scope of and in compliance with the**
8 **Oregon Medical Marijuana Act; *[or]* and**

9 **“(b) Do not amend or affect *[in any way the function,]* duties, **functions** and powers of the**
10 **Oregon Health Authority under the Oregon Medical Marijuana Act.**

11 **“SECTION 40.** Section 10, chapter 1, Oregon Laws 2015, is amended to read:

12 **“Sec. 10.** *[No member of the Oregon Liquor Control Commission, the State Department of Agri-*
13 *culture, or the Oregon Health Authority may be sued for doing or omitting to do any act in the per-*
14 *formance of duties as prescribed in sections 3 to 70 of this Act.]* **A person may not sue the Oregon**
15 **Liquor Control Commission or a member of the commission, the State Department of Agri-**
16 **culture or the Oregon Health Authority, or any employee of the commission, department or**
17 **authority, for performing or omitting to perform any duty, function or power of the com-**
18 **mission, department or authority set forth in sections 3 to 70, chapter 1, Oregon Laws 2015,**
19 **or in any other law of this state requiring the commission, department or authority to per-**
20 **form a duty, function or power related to marijuana.**

21 **“SECTION 41.** Section 11, chapter 1, Oregon Laws 2015, is amended to read:

22 **“Sec. 11.** (1) *[Neither]* The Oregon Liquor Control Commission, the State Department of
23 Agriculture, *[nor]* **and** the Oregon Health Authority may **not** refuse to perform any duty under
24 sections 3 to 70, **chapter 1, Oregon Laws 2015,** *[of this Act]* on the basis that manufacturing, dis-
25 tributing, dispensing, possessing, *[.]* or using marijuana is prohibited by federal law.

26 **“(2) The commission may not revoke or refuse to issue or renew a license under sections 3 to**
27 **70, chapter 1, Oregon Laws 2015,** *[of this Act]* on the basis that manufacturing, distributing, dis-
28 pensing, possessing, *[.]* or using marijuana is prohibited by federal law.

29 **“SECTION 42.** Section 12, chapter 1, Oregon Laws 2015, is amended to read:

30 **“Sec. 12.** *[No]* **A contract *[shall be]* is not** unenforceable on the basis that manufacturing, dis-
31 tributing, dispensing, possessing, *[.]* or using marijuana is prohibited by federal law.

32 **“SECTION 43.** Section 13, chapter 1, Oregon Laws 2015, is amended to read:

33 **“Sec. 13.** Licensees and licensee representatives may produce, deliver, *[.]* and possess marijuana
34 items subject to the provisions of sections 3 to 70, **chapter 1, Oregon Laws 2015** *[of this Act]*. The
35 production, delivery, *[.]* and possession of marijuana items by a licensee or a licensee representative
36 in compliance with sections 3 to 70, **chapter 1, Oregon Laws 2015,** *[of this Act shall]* **does** not
37 constitute a criminal or civil offense under *[Oregon law]* **the laws of this state.**

38 **“SECTION 44.** Section 14, chapter 1, Oregon Laws 2015, is amended to read:

39 **“Sec. 14.** *[No]* **A licensee or licensee representative may not** sell or deliver *[any marijuana items*
40 *to any]* **a marijuana item to a person under 21 years of age.**

41 **“SECTION 45.** Section 17, chapter 1, Oregon Laws 2015, is amended to read:

42 **“Sec. 17.** (1) *[No]* **A person *[shall]* may not** produce any piece of identification that would
43 falsely indicate the person’s age.

44 **“(2) If a piece of identification is offered as evidence in any administrative or criminal prose-**
45 **cution of a licensee or licensee representative for sale or service of *[marijuana items]* a marijuana**

1 **item** to a person [*not having reached*] **under** 21 years of age, the licensee or licensee representative
2 [*shall be found to have committed no crime or other wrong*] **is not guilty of any offense prohibiting**
3 **a person from selling or serving a marijuana item to a person under 21 years of age** unless
4 it is demonstrated that a reasonable person would have determined that the identification exhibited
5 **by the person under 21 years of age** was altered or did not accurately describe the person **under**
6 **21 years of age** to whom the marijuana [*items were*] **item was** sold or served.

7 “**SECTION 46.** Section 23, chapter 1, Oregon Laws 2015, is amended to read:

8 “**Sec. 23.** (1) The Oregon Liquor Control Commission has the right after 72 hours’ notice to the
9 owner or the agent of the owner to make an examination of the books and may at any time make
10 an examination of the premises of any person licensed under sections 3 to 70, **chapter 1, Oregon**
11 **Laws 2015** [*of this Act*], for the purpose of determining compliance with sections 3 to 70, **chapter**
12 **1, Oregon Laws 2015**, [*of this Act*] and the rules of the commission.

13 “(2) The commission [*shall*] **may** not require the books of [*any*] **a** licensee to be maintained on
14 the premises of the licensee.

15 “(3) **This section does not authorize the commission to make an examination of the**
16 **premises of a person registered under ORS 475.300 to 475.346.**

17 “**SECTION 47.** Section 24, chapter 1, Oregon Laws 2015, is amended to read:

18 “**Sec. 24.** The same person may hold one or more production licenses, one or more processor
19 licenses, one or more wholesale licenses[,] and one or more retail licenses.

20 “**SECTION 48.** Section 45, chapter 1, Oregon Laws 2015, is amended to read:

21 “**Sec. 45.** (1) **A licensee or licensee representative may not import** marijuana items [*may not*
22 *be imported*] into this state or [*exported*] **export marijuana items** from this state [*by any licensee*
23 *or licensee representative*].

24 “(2) A violation of subsection (1) of this section is a:

25 “(a) Class C felony, if the importation or exportation is for consideration; or

26 “(b) Class A misdemeanor, if the importation or exportation is not for consideration.

27 “**SECTION 49.** Section 46, chapter 1, Oregon Laws 2015, is amended to read:

28 “**Sec. 46.** [*Marijuana items*] **A marijuana item** may not be given as a prize, premium or con-
29 sideration for a lottery, contest, game of chance [*or*], **game of skill**[,] or competition of any kind.

30 “**SECTION 50.** Section 47, chapter 1, Oregon Laws 2015, is amended to read:

31 “**Sec. 47.** (1) A person may not sell, give or otherwise make available any marijuana [*items*] **item**
32 to [*any*] **a** person who is visibly intoxicated.

33 “(2)(a) A person who exercises control over private real property may not knowingly allow [*any*
34 *other*] **a** person under the age of 21 years to consume marijuana items on the property, or allow any
35 other person under the age of 21 years to remain on the property if the person under the age of 21
36 years consumes marijuana items on the property.

37 “(b) This subsection:

38 “(A) Applies only to a person who is present and in control of the location at the time the
39 consumption occurs; and

40 “(B) Does not apply to the owner of rental property, or the agent of an owner of rental property,
41 unless the consumption occurs in the individual **housing** unit in which the owner or agent resides.

42 “**SECTION 51.** Section 48, chapter 1, Oregon Laws 2015, is amended to read:

43 “**Sec. 48.** (1) [*No*] **A** person [*shall*] **may not** make false representations or statements to the
44 Oregon Liquor Control Commission in order to induce or prevent action by the commission.

45 “(2) [*No*] **A** licensee of the commission [*shall*] **may not** maintain a noisy, lewd, disorderly or

1 insanitary establishment or supply impure or otherwise deleterious marijuana items.

2 “(3) [No] A licensee of the commission [shall] **may not** misrepresent to a customer or to the
3 public any marijuana items.

4 “**SECTION 52.** Section 50, chapter 1, Oregon Laws 2015, is amended to read:

5 “**Sec. 50.** (1) [No marijuana items shall] **A marijuana item may not** be sold or offered for sale
6 within this state unless [such marijuana items comply] **the marijuana item complies** with the min-
7 imum standards [fixed pursuant to law] **prescribed by the statutory laws of this state.**

8 “[2] *The Oregon Liquor Control Commission may require a marijuana producer, marijuana*
9 *processor, or marijuana wholesaler to provide a laboratory analysis demonstrating to the satisfaction*
10 *of the commission that particular marijuana items comply with the minimum standards in this state.*]

11 “[3] *No marijuana items offered for sale within this state may be altered or tampered with in any*
12 *way by any person not licensed to do so by the commission.*]

13 “[4] **(2)** The **Oregon Liquor Control** Commission may prohibit the sale of [any marijuana
14 items] **a marijuana item by a marijuana retailer** for a reasonable period of time [while it is de-
15 termining] **for the purpose of determining** whether the marijuana [items comply] **item complies**
16 with **the** minimum standards [in this] **prescribed by the statutory laws of this** state.

17 “**SECTION 53.** Section 51, chapter 1, Oregon Laws 2015, is amended to read:

18 “**Sec. 51.** (1) [No] A licensee [shall] **may not** use or allow the use of [any] **a** mark or label on
19 the container of [any marijuana items which are] **a marijuana item that is** kept for sale[,] if the
20 container does not precisely and clearly indicate the nature of [its] **the container’s** contents or in
21 any way might deceive [any] **a** customer as to the nature, composition, quantity, age or quality of
22 [such] **the** marijuana [items] **item.**

23 “(2) The Oregon Liquor Control Commission may prohibit [any] **a** licensee from selling any
24 brand of marijuana [items which] **item that** in [its] **the commission’s** judgment is deceptively la-
25 beled or branded as to content[,] or contains injurious or adulterated ingredients.

26 “**SECTION 54.** Section 53, chapter 1, Oregon Laws 2015, is amended to read:

27 “**Sec. 53.** (1) Except for **a** licensed marijuana [producers and their] **producer and the**
28 **producer’s** licensee [representatives, no] **representative, a** licensee may **not** possess a mature
29 marijuana plant.

30 “(2) [No] A licensee may **not** sell a mature marijuana plant.

31 “**SECTION 55.** Section 56, chapter 1, Oregon Laws 2015, is amended to read:

32 “**Sec. 56.** (1) [No] A person may **not** produce, process[, keep,] or store homegrown marijuana or
33 homemade [marijuana] **cannabinoid** products **or cannabinoid concentrates** if the homegrown
34 marijuana or homemade [marijuana] **cannabinoid** products **or cannabinoid concentrates** can be
35 readily seen by normal unaided vision from a public place.

36 “(2) A violation of subsection (1) of this section is a Class B violation.

37 “**SECTION 56.** Section 57, chapter 1, Oregon Laws 2015, is amended to read:

38 “**Sec. 57.** [No] A person may **not** produce, process[, keep,] or store homemade [marijuana]
39 **cannabinoid** extracts.

40 “**SECTION 57.** Section 58, chapter 1, Oregon Laws 2015, is amended to read:

41 “**Sec. 58.** [Sections 3 to 70 of this Act,] **The provisions of sections 3 to 70, chapter 1, Oregon**
42 **Laws 2015, are** designed to operate uniformly throughout the state[, shall be] **and are** paramount
43 and superior to and [shall] fully replace and supersede any [and all] municipal charter [enactments]
44 **amendment** or local [ordinances] **ordinance** inconsistent with [it] **the provisions of sections 3 to**
45 **70, chapter 1, Oregon Laws 2015.** [Such charters] **Amendments** and ordinances **that are incon-**

1 **sistent with the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, [hereby]** are re-
2 pealed.

3 **“SECTION 58.** Section 60, chapter 1, Oregon Laws 2015, is amended to read:

4 **“Sec. 60.** (1) The governing body of a city or a county, when a petition is filed as provided in
5 this section, shall order an election on the question whether the operation of licensed premises
6 [shall] **should** be prohibited in the city or county.

7 **“(2)** Except as **otherwise** provided in [subsections (3), (4) and (5) of] this section, the require-
8 ments for preparing, circulating and filing a petition under this section:

9 **“(a)** In the case of a city, [shall] **must** be as provided for an initiative petition under ORS
10 250.265 to 250.346.

11 **“(b)** In the case of a county, [shall] **must** be as provided for an initiative petition under ORS
12 250.165 to 250.235.

13 **“(3)** A petition under [subsection (2) of] this section:

14 **“(a)** Must be filed not less than 60 days before the day of the election; and

15 **“(b)** Must be signed by not less than 10 percent of the electors registered in the city or county.

16 **“(4)** If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255
17 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and
18 filing a petition under this section [shall] **must** be as provided for an initiative petition under the
19 county or city charter or an ordinance adopted under the county or city charter.

20 **“(5)** [No] A signature is **not** valid unless signed within 180 days before the petition is filed.

21 **“(6)** An election under this section [shall] **must** be held at the time of the next statewide general
22 election.

23 **“(7)** An election under this section [shall] **must** be conducted under ORS chapters 246 to 260.

24 **“SECTION 59.** Section 61, chapter 1, Oregon Laws 2015, is amended to read:

25 **“Sec. 61.** Section 60, **chapter 1, Oregon Laws 2015, does** [of this Act shall] not prevent any
26 person residing in the county or city from having, for personal use, a marijuana [items] **item** pur-
27 chased from a marijuana [retailers duly] **retailer** licensed under **section 22, chapter 1, Oregon**
28 **Laws 2015** [this Act].

29 **“SECTION 60.** Section 63, chapter 1, Oregon Laws 2015, is amended to read:

30 **“Sec. 63.** The state police, sheriffs[, constables and all] **and** police officers [within the State of
31 Oregon shall] **of this state may** enforce sections 3 to [30 of this Act and sections 45 to] 70, **chapter**
32 **1, Oregon Laws 2015,** [of this Act] and assist the Oregon Liquor Control Commission in detecting
33 violations of sections 3 to [30 of this Act and sections 45 to] 70, **chapter 1, Oregon Laws 2015,** [of
34 this Act] and apprehending offenders. [Each such] **An** enforcing officer [having] **who has** notice,
35 knowledge or reasonable ground of suspicion of [any] a violation of sections 3 to [30 of this Act or
36 sections 45 to] 70, **chapter 1, Oregon Laws 2015,** [of this Act] shall immediately notify the district
37 attorney[,] and furnish the district attorney with names and addresses of any witnesses, or other
38 information within the officer’s knowledge, of [such] **the** violation.

39 **“SECTION 61.** Section 64, chapter 1, Oregon Laws 2015, is amended to read:

40 **“Sec. 64.** (1) [Whenever any] **When an** officer arrests [any] a person for violation of sections 3
41 to [30 of this Act or sections 45 to] 70, **chapter 1, Oregon Laws 2015** [of this Act], the officer may
42 take into possession all marijuana items[,] and other property [which] **that** the person so arrested
43 has in possession, or **that is** on the premises, [which] **that** is apparently being used in violation of
44 sections 3 to [30 of this Act or sections 45 to] 70, **chapter 1, Oregon Laws 2015** [of this Act].

45 **“(2)** If [the] a person [so] arrested **as described in this section** is convicted, and [it is found]

1 **the court finds** that the marijuana items[,] and other property [*has*] **have** been used in violation
2 of [*Oregon law*] **the laws of this state**:

3 “(a) The marijuana items [*shall*] **must** be forfeited to an appropriate state or local law enforce-
4 ment agency[,] and [*shall*] **must** be delivered by the court or officer, **at the direction of the court**,
5 to the law enforcement agency; and

6 “(b) Subject to other applicable law, the other property [*shall*] **must** be forfeited to the Oregon
7 Liquor Control Commission, and [*shall*] **must** be delivered by the court or officer to the commission.

8 “(3) The commission is authorized to destroy or make such other disposition of any property it
9 receives under [*paragraph (b) of*] subsection (2)(b) of this section as it considers to be in the public
10 interest. In any such case, all such property, including [*lockers, chairs, tables, cash registers, music*
11 *devices, gambling devices,*] furniture, furnishings, equipment and facilities for the storing, serving or
12 using of marijuana items [*shall*] **must** be confiscated and forfeited to the state, and the clear pro-
13 ceeds [*shall*] **must** be deposited with the State Treasury in the Common School Fund [*in the manner*
14 *provided in this section*].

15 “**SECTION 62.** Section 65, chapter 1, Oregon Laws 2015, is amended to read:

16 “**Sec. 65.** The county courts, district attorneys and municipal authorities, immediately upon the
17 conviction of any licensee of the Oregon Liquor Control Commission of a violation of any provision
18 of sections 3 to [*30 of this Act or sections 45 to*] 70, **chapter 1, Oregon Laws 2015**, [*of this Act*] or
19 the violation of any other law of this state or ordinance of any municipality [*therein*] **in this**
20 **state**, in which violation marijuana had any part, shall notify the commission [*thereof. Such*
21 *officials*] **of the conviction. The county courts, district attorneys and municipal authorities**
22 shall notify the commission of any acts, practices or other conduct of [*any such*] a licensee [*which*]
23 **convicted as described in this section that** may be subversive of the general welfare or contrary
24 to the spirit of **sections 3 to 70, chapter 1, Oregon Laws 2015**, [*this Act*] and shall recommend
25 such action on the part of the commission as will remove the evil.

26 “**SECTION 63.** Section 66, chapter 1, Oregon Laws 2015, is amended to read:

27 “**Sec. 66.** Any room, house, building, boat, structure or place of any kind where marijuana items
28 are sold, manufactured, bartered or given away in violation of [*Oregon law*] **the laws of this**
29 **state**, or where persons are permitted to resort for the purpose of using marijuana items in violation
30 of [*Oregon law*] **the laws of this state**, or any place where marijuana items are kept for sale, barter
31 or gift in violation of [*Oregon law*] **the laws of this state**, and all marijuana items or property
32 subject to confiscation under section 64, **chapter 1, Oregon Laws 2015**, [*of this Act*] kept and used
33 in such a place, [*is*] **are** a common nuisance. [*Any*] **A** person who maintains or assists in maintaining
34 [*such*] **the** common nuisance or knowingly suffers or permits [*such*] **the** nuisance to exist in any
35 place of which the person is the owner, manager or lessor, [*shall be*] **is** guilty of a violation of
36 sections 3 to [*30 of this Act and sections 45 to*] 70, **chapter 1, Oregon Laws 2015** [*of this Act*].

37 “**SECTION 64.** Section 67, chapter 1, Oregon Laws 2015, is amended to read:

38 “**Sec. 67.** If it is proved that the owner of [*any*] a building or premises knowingly has [*suffered*
39 *the same to be used or*] **used the building or premises or allowed the building or premises to**
40 **be** occupied for the manufacture, sale or possession of marijuana items[,] contrary to the provisions
41 of sections 3 to [*30 of this Act or sections 45 to*] 70, **chapter 1, Oregon Laws 2015** [*of this Act*],
42 [*such*] **the** building or premises are subject to a lien for, and may be sold to pay all fines and costs
43 assessed against their occupants for, any violation of sections 3 to [*30 of this Act or sections 45 to*]
44 70, **chapter 1, Oregon Laws 2015** [*of this Act*]. The lien [*shall*] **must** be enforced immediately by
45 civil action in any court [*having*] **that has** jurisdiction, by the district attorney of the county

1 [wherein] in which the building or premises are located.

2 “**SECTION 65.** Section 68, chapter 1, Oregon Laws 2015, is amended to read:

3 “**Sec. 68.** In case of invasion, disaster, insurrection[,] or riot, or imminent danger [thereof] of
4 **invasion, disaster, insurrection or riot**, the Governor may, for the duration of [such] **the** invasion,
5 disaster, insurrection[,] or riot, or imminent danger [thereof], immediately suspend without notice
6 any license in the area involved granted under sections 3 to [30 of this Act or sections 45 to] 70,
7 **chapter 1, Oregon Laws 2015** [of this Act].

8 “**SECTION 66.** Section 69, chapter 1, Oregon Laws 2015, is amended to read:

9 “**Sec. 69.** (1) Except where other punishment is specifically provided for in sections 3 to 70,
10 **chapter 1, Oregon Laws 2015** [of this Act], violation of any provision of sections 3 to 70, **chapter**
11 **1, Oregon Laws 2015**, [of this Act] is a Class A misdemeanor.

12 “[2] A violation of subsection (1) of section 40 of this Act is a Class B misdemeanor.]

13 “[3] (2) Subject to ORS 153.022, violation of [any regulation promulgated] **a rule adopted** under
14 **section 7 (2)(d), chapter 1, Oregon Laws 2015**, [paragraph (e) of subsection (2) of section 7 of this
15 Act] is a Class C violation.

16 “**SECTION 67.** Section 70, chapter 1, Oregon Laws 2015, is amended to read:

17 “**Sec. 70.** If any [sections, subsections, paragraphs, phrases, or words] **section, subsection,**
18 **paragraph, phrase or word** of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act shall
19 be] **is held to be** unconstitutional, void[,] or illegal, either on [their] **its** face or as applied, [this
20 shall] **that holding does** not affect the applicability, constitutionality[,] or legality of any other
21 [sections, subsections, paragraphs, phrases, and words] **section, subsection, paragraph, phrase or**
22 **word** of sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act]. To that end, the sections,
23 subsections, paragraphs, phrases[,] and words of sections 3 to 70, **chapter 1, Oregon Laws 2015**,
24 [of this Act] are intended to be severable. It is hereby declared to be the intent of **the people of this**
25 **state in adopting** sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] that sections 3 to
26 70, **chapter 1, Oregon Laws 2015**, [of this Act] would have been adopted had such unconstitutional,
27 void[,] or illegal sections, subsections, paragraphs, phrases[,] or words, if any, not been included in
28 sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act].

29 “**SECTION 68.** Section 72, chapter 1, Oregon Laws 2015, is amended to read:

30 “**Sec. 72.** As used in the following statutes and any rule adopted [thereunder] **under the fol-**
31 **lowing statutes**, the term ‘controlled substance’ [shall] **does** not include marijuana:

32 “(1) ORS 475.125 [to ORS], **475.135, 475.145, 475.155 and** 475.165 [(registration with the State
33 Board of Pharmacy)].

34 “(2) ORS 475.175 [to ORS], **475.185, 475.188 and** 475.190 [(records)].

35 “**SECTION 69.** Section 32, chapter 1, Oregon Laws 2015, is amended to read:

36 “**Sec. 32.** (1) As used in sections 31 to 44, **chapter 1, Oregon Laws 2015** [of this Act], ‘sale’ or
37 ‘sold’ means any transfer, exchange or barter, in any manner or by any means, for a consideration,
38 and includes [and means] all sales made by any person. It includes a gift by a person engaged in the
39 business of selling marijuana, for advertising, as a means of evading sections 31 to 44, **chapter 1,**
40 **Oregon Laws 2015** [of this Act], or for any other purpose.

41 “(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale
42 licenses[,] or one or more retail licenses, a sale of marijuana flowers, marijuana leaves[,] or imma-
43 ture marijuana plants will be deemed to occur if and when the marijuana producer processes or
44 takes any other action with respect to [such] **the** marijuana flowers, marijuana leaves[,] or immature
45 marijuana plants for which a processor license, wholesale license[,] or retail license is required, re-

1 regardless of whether the marijuana producer continues to own or possess the marijuana flowers,
2 marijuana leaves[,] or immature marijuana plants.

3 “**SECTION 70.** Section 33, chapter 1, Oregon Laws 2015, is amended to read:

4 “**Sec. 33.** (1) A tax is imposed upon the privilege of engaging in business as a marijuana pro-
5 ducer at the rate of:

6 “(a) \$35 per ounce on all marijuana flowers;

7 “(b) \$10 per ounce on all marijuana leaves; and

8 “(c) \$5 per immature marijuana plant.

9 “(2) The rates of tax imposed by this section upon marijuana flowers and marijuana leaves apply
10 proportionately to quantities of less than one ounce.

11 “(3) The tax imposed by this section [*shall*] **must** be measured by the quantities of marijuana
12 flowers, marijuana leaves[,] and immature marijuana plants produced and sold by any marijuana
13 producer. The taxes specified in this section [*shall*] **must** be levied and assessed to the marijuana
14 producer at the time of the first sale of the marijuana flowers, marijuana leaves[,] and immature
15 marijuana plants by the marijuana producer.

16 “(4) For reporting periods beginning on or after July 1, 2017, the rates of tax under subsection
17 (1) of this section [*shall*] **must** be adjusted for each biennium according to the cost-of-living adjust-
18 ment for the calendar year. The Oregon Liquor Control Commission shall recompute the rates for
19 each biennium by adding to each rate in subsection (1) of this section the product obtained by
20 multiplying the rate by a factor that is equal to 0.25 multiplied by the percentage (if any) by which
21 the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending
22 August 31 of the prior calendar year exceeds the monthly averaged U.S. City Average Consumer
23 Price Index for the 12 consecutive months ending August 31, 2015.

24 “(5) The commission shall regularly review the rates of tax under subsection (1) of this section
25 and make recommendations to the Legislative Assembly regarding appropriate adjustments to the
26 rates that will further the purposes of:

27 “(a) Maximizing net revenue;

28 “(b) Minimizing the illegal marijuana industry under [*Oregon law*] **the laws of this state**; and

29 “(c) Discouraging the use of marijuana by minors under 21 years of age.

30 “**SECTION 71.** Section 34, chapter 1, Oregon Laws 2015, is amended to read:

31 “**Sec. 34.** (1) The privilege tax imposed by section 33, **chapter 1, Oregon Laws 2015**, [*of this*
32 *Act shall*] **must** be paid to the Oregon Liquor Control Commission. The taxes covering the periods
33 for which statements are required to be rendered by section 35, **chapter 1, Oregon Laws 2015**, [*of this*
34 *Act shall*] **must** be paid before the time for filing such statements expires. If not so paid, a
35 penalty of 10 percent and interest at the rate of one percent a month or fraction of a month
36 [*shall*] **must** be added and collected. The commission may refund any tax payment imposed upon or
37 paid in error by any licensee.

38 “(2) The commission may waive any interest or penalty assessed to a marijuana producer subject
39 to the tax imposed under section 33, **chapter 1, Oregon Laws 2015**, [*of this Act*] if the commission,
40 in its discretion, determines that the marijuana producer has made a good faith attempt to comply
41 with the requirements of sections 31 to 44, **chapter 1, Oregon Laws 2015** [*of this Act*].

42 “(3) Except in the case of fraud, the commission may not assess any interest or penalty on any
43 tax due under section 33, **chapter 1, Oregon Laws 2015**, [*of this Act*] following the expiration of
44 36 months from the date on which was filed the statement required under section 35, **chapter 1,**
45 **Oregon Laws 2015**, [*of this Act*] reporting the quantities of marijuana flowers, marijuana leaves[,]

1 and immature marijuana plants upon which the tax is due.

2 “(4) A marijuana producer may appeal a tax imposed under section 33, **chapter 1, Oregon Laws**
3 **2015**, [of this Act] in the manner of a contested case under ORS chapter 183.

4 “**SECTION 72.** Section 35, chapter 1, Oregon Laws 2015, is amended to read:

5 “**Sec. 35.** On or before the 20th day of each month, every marijuana producer shall file with the
6 Oregon Liquor Control Commission a statement of the quantities of marijuana flowers, marijuana
7 leaves[,] and immature marijuana plants sold by the marijuana producer during the preceding cal-
8 endar month.

9 “**SECTION 73.** Section 36, chapter 1, Oregon Laws 2015, is amended to read:

10 “**Sec. 36.** If any marijuana producer fails, neglects or refuses to file a statement required by
11 section 35, **chapter 1, Oregon Laws 2015**, [of this Act] or files a false statement, the Oregon Liquor
12 Control Commission shall estimate the quantities of marijuana flowers, marijuana leaves[,] and im-
13 mature marijuana plants sold by the marijuana producer and assess the privilege taxes [thereon] **on**
14 **the estimated quantities**. The marijuana producer [shall] **must** be estopped from complaining of
15 the quantities so estimated.

16 “**SECTION 74.** Section 37, chapter 1, Oregon Laws 2015, is amended to read:

17 “**Sec. 37.** The privilege tax required to be paid by section 33, **chapter 1, Oregon Laws 2015**,
18 [of this Act] constitutes a lien upon, and has the effect of an execution duly levied against, any and
19 all property of the marijuana producer, attaching at the time the marijuana flowers, marijuana
20 leaves[,] and immature marijuana plants subject to the tax were sold, and remaining until the tax
21 is paid. The lien created by this section is paramount to all private liens or encumbrances.

22 “**SECTION 75.** Section 38, chapter 1, Oregon Laws 2015, is amended to read:

23 “**Sec. 38.** Every marijuana producer shall keep a complete and accurate record of all sales of
24 marijuana flowers, marijuana leaves[,] and immature marijuana plants, and a complete and accurate
25 record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana
26 leaves produced, the number of immature marijuana plants produced[,] and the dates of production.
27 The records [shall] **must** be in such form and contain such other information as the Oregon Liquor
28 Control Commission may prescribe.

29 “**SECTION 76.** Section 39, chapter 1, Oregon Laws 2015, is amended to read:

30 “**Sec. 39.** (1) The Oregon Liquor Control Commission may, at any time, examine the books and
31 records of any marijuana producer[,] and may appoint auditors, investigators and other employees
32 that the commission considers necessary to enforce its powers and perform its duties under sections
33 31 to 44, **chapter 1, Oregon Laws 2015** [of this Act].

34 “(2) Every marijuana producer shall maintain and keep for two years all records, books and
35 accounts required by sections 31 to 44, **chapter 1, Oregon Laws 2015**, [of this Act] and shall pro-
36 vide copies of those records, books and accounts to the commission when requested by the commis-
37 sion.

38 “**SECTION 77.** Section 40, chapter 1, Oregon Laws 2015, is amended to read:

39 “**Sec. 40.** (1) [No] A marijuana producer [shall] **may not**:

40 “(a) Fail to pay the privilege tax prescribed in section 33, **chapter 1, Oregon Laws 2015**, [of
41 this Act] when it is due; or

42 “(b) Falsify the statement required by section 35, **chapter 1, Oregon Laws 2015** [of this Act].

43 “(2) [No] A person [shall] **may not**:

44 “(a) Refuse to permit the Oregon Liquor Control Commission or any of its representatives to
45 make an inspection of the books and records authorized by sections 38 and 39, **chapter 1, Oregon**

1 **Laws 2015** [of this Act];

2 “(b) Fail to keep books of account prescribed by the commission or required by sections 31 to
3 44, **chapter 1, Oregon Laws 2015** [of this Act];

4 “(c) Fail to preserve the books for two years for inspection of the commission; or

5 “(d) Alter, cancel or obliterate entries in the books of account for the purpose of falsifying any
6 record required by sections 31 to 44, **chapter 1, Oregon Laws 2015**, [of this Act] to be made,
7 maintained or preserved.

8 “**SECTION 78.** Section 41, chapter 1, Oregon Laws 2015, is amended to read:

9 “**Sec. 41.** Sections 31 to 44, **chapter 1, Oregon Laws 2015**, [of this Act] do not apply to com-
10 merce with foreign nations or commerce with the several states, except [in so far] **insofar** as the
11 same may be permitted under the Constitution and laws of the United States.

12 “**SECTION 79.** Section 43, chapter 1, Oregon Laws 2015, is amended to read:

13 “**Sec. 43.** (1) All money collected by the Oregon Liquor Control Commission under sections **31**
14 **to 44, chapter 1, Oregon Laws 2015**, [3 to 70 of this Act shall] **must** be remitted to the State
15 Treasurer, who shall credit it to a suspense account of the commission. Whenever the commission
16 determines that moneys have been received by it in excess of the amount legally due and payable
17 to the commission or that it has received money [to] **in** which it has no legal interest, or that any
18 license fee or deposit is properly refundable, the commission is authorized and directed to refund
19 such money by check drawn upon the State Treasurer and charged to the suspense account of the
20 commission. After withholding refundable license fees and such sum, not to exceed \$250,000, as it
21 considers necessary as a revolving fund for a working cash balance for the purpose of paying travel
22 expenses, advances, other miscellaneous bills and extraordinary items [which] **that** are payable in
23 cash immediately upon presentation, the commission shall direct the State Treasurer to transfer the
24 money remaining in the suspense account to the Oregon Marijuana Account established under sec-
25 tion 44, **chapter 1, Oregon Laws 2015** [of this Act]. Moneys in the Oregon Marijuana Account are
26 continuously appropriated to the commission to be distributed and used as required or allowed by
27 [Oregon law] **the laws of this state.**

28 “(2) All necessary expenditures of the commission incurred in carrying out sections 3 to 70,
29 **chapter 1, Oregon Laws 2015** [of this Act], including [such] sums necessary to reimburse the
30 \$250,000 revolving fund, [shall] **must** be paid from the Oregon Marijuana Account.

31
32 **“OREGON MEDICAL MARIJUANA ACT**

33 **“OPERATIVE MARCH 1, 2016**

34
35 **(Definitions)**

36
37 “**SECTION 80.** ORS 475.302 is amended to read:

38 “475.302. As used in ORS 475.300 to 475.346:

39 “(1) ‘Attending physician’ means a physician licensed under ORS chapter 677 who has primary
40 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

41 “[2) ‘Authority’ means the Oregon Health Authority.]

42 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the active constituents
43 of marijuana.

44 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating cannabinoids
45 from marijuana by:

1 “(a) **A mechanical extraction process;**
2 “(b) **A chemical extraction process using a nonhydrocarbon-based solvent, such as vege-**
3 **table glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;**
4 “(c) **A chemical extraction process using the hydrocarbon-based solvent carbon dioxide,**
5 **provided that the process does not involve the use of high heat or pressure; or**
6 “(d) **Any other process identified by the Oregon Health Authority, in consultation with**
7 **the Oregon Liquor Control Commission, by rule.**
8 “(4) **‘Cannabinoid edible’ means food or potable liquid into which a cannabinoid concen-**
9 **trate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.**
10 “(5) **‘Cannabinoid extract’ means a substance obtained by separating cannabinoids from**
11 **marijuana by:**
12 “(a) **A chemical extraction process using a hydrocarbon-based solvent, such as butane,**
13 **hexane or propane;**
14 “(b) **A chemical extraction process using the hydrocarbon-based solvent carbon dioxide,**
15 **if the process uses high heat or pressure; or**
16 “(c) **Any other process identified by the Oregon Health Authority, in consultation with**
17 **the Oregon Liquor Control Commission, by rule.**
18 “[(3)] **(6) ‘Debilitating medical condition’ means:**
19 “(a) Cancer, glaucoma, agitation incident to Alzheimer’s disease, positive status for human
20 immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the
21 treatment of *[these]* **those** medical conditions;
22 “(b) A medical condition or treatment for a medical condition that produces, for a specific pa-
23 tient, one or more of the following:
24 “(A) Cachexia;
25 “(B) Severe pain;
26 “(C) Severe nausea;
27 “(D) Seizures, including seizures caused by epilepsy; or
28 “(E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
29 “(c) Post-traumatic stress disorder; or
30 “(d) Any other medical condition or side effect related to the treatment of a medical condition
31 adopted by the **Oregon Health** Authority by rule or approved by the authority pursuant to a peti-
32 tion *[submitted]* **filed** under ORS 475.334.
33 “[(4)(a)] **(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.**
34 “(b) **‘Delivery’ does not include transfer of[:]**
35 “[(A)] marijuana by a registry identification cardholder to another registry identification
36 cardholder if no consideration is paid for the transfer[.];
37 “[(B)] *Usable marijuana or immature marijuana plants from a registry identification cardholder, the*
38 *designated primary caregiver of a registry identification cardholder or a marijuana grow site to a*
39 *medical marijuana facility registered under ORS 475.314; or]*
40 “[(C)] *Usable marijuana or immature marijuana plants from a medical marijuana facility registered*
41 *under ORS 475.314 to a registry identification cardholder or the designated primary caregiver of a*
42 *registry identification cardholder.]*
43 “[(5)] **(8)(a) ‘Designated primary caregiver’ means an individual:**
44 “(A) **Who is 18 years of age or older;**
45 “(B) **Who has significant responsibility for managing the well-being of a person who has been**

1 diagnosed with a debilitating medical condition; and

2 “(C) Who is designated as *[such on that]* **the person responsible for managing the well-being**
3 **of a person who has been diagnosed with a debilitating medical condition on that** person’s
4 application for a registry identification card or in other written notification **submitted** to the au-
5 thority.

6 “(b) ‘Designated primary caregiver’ does not include *[the]* a person’s attending physician.

7 “[*(6)*] ‘*Marijuana*’ has the meaning given that term in ORS 475.005.]

8 “(9) ‘High heat’ means a temperature exceeding 180 degrees.

9 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not flowering.

10 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part of the plant
11 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

12 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS 571.300.

13 “[*(7)*] (12) ‘Marijuana grow site’ means a location registered under ORS 475.304 where marijuana
14 is produced for use by a registry identification cardholder.

15 “(13) ‘Marijuana processing site’ means a marijuana processing site registered under
16 section 85 of this 2015 Act or a site for which an applicant has submitted an application for
17 registration under section 85 of this 2015 Act.

18 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an immature
19 marijuana plant.

20 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and any other product
21 intended for human consumption or use, including a product intended to be applied to a
22 person’s skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

23 “(b) ‘Medical cannabinoid product’ does not include:

24 “(A) Usable marijuana by itself;

25 “(B) A cannabinoid concentrate by itself;

26 “(C) A cannabinoid extract by itself; or

27 “(D) Industrial hemp, as defined in ORS 571.300.

28 “(16) ‘Medical marijuana dispensary’ means a medical marijuana dispensary registered
29 under ORS 475.314 or a site for which an applicant has submitted an application for regis-
30 tration under ORS 475.314.

31 “[*(8)*] (17) ‘Medical use of marijuana’ means the production, **processing**, possession, delivery[,
32 *distribution*] or administration of marijuana, or **use of** paraphernalia used to administer marijuana,
33 *[as necessary for the exclusive benefit of a person]* to mitigate the symptoms or effects of *[the*
34 *person’s]* a debilitating medical condition.

35 “[*(9)*] ‘*Production*’ has the meaning given that term in ORS 475.005.]

36 “(18) ‘Person designated to produce marijuana by a registry identification cardholder’
37 means a person designated to produce marijuana by a registry identification cardholder un-
38 der ORS 475.304 who produces marijuana for a registry identification cardholder at an ad-
39 dress other than the address where the registry identification cardholder resides or at an
40 address where more than 12 mature marijuana plants are produced.

41 “(19) ‘Process’ means the compounding or conversion of marijuana into medical
42 cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

43 “(20) ‘Production’ means:

44 “(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

45 “(b) Drying marijuana leaves or flowers.

1 “[(10)] (21) ‘Registry identification card’ means a document issued by the **Oregon Health Au-**
2 **thority under ORS 475.309** that identifies a person authorized to engage in the medical use of
3 marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person’s
4 designated primary caregiver.

5 “(22) **‘Registry identification cardholder’ means a person to whom a registry identifica-**
6 **tion card has been issued under ORS 475.309.**

7 “[(11)] (23)(a) ‘Usable marijuana’ means the dried leaves and flowers of [*the plant Cannabis*
8 *family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as al-*
9 *lowed in ORS 475.300 to 475.346*] **marijuana.**

10 “(b) ‘Usable marijuana’ does not include:

11 “(A) The seeds, stalks and roots of [*the plant.*] **marijuana; or**

12 “(B) **Waste material that is a by-product of producing marijuana.**

13 “[(12)] (24) ‘Written documentation’ means a statement signed by the attending physician of a
14 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical
15 records.

16
17 **“(Registry Identification Cardholders**
18 **and Designated Primary Caregivers)**

19
20 “**SECTION 80a.** ORS 475.309 is amended to read:

21 “475.309. [(1) *Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or*
22 *assisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,*
23 *delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-*
24 *duction of marijuana or any other criminal offense in which possession, delivery or production of*
25 *marijuana is an element if the following conditions have been satisfied:]*

26 “[*(a)(A) The person holds a registry identification card issued pursuant to this section, has applied*
27 *for a registry identification card pursuant to subsection (9) of this section, is the designated primary*
28 *caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that*
29 *is producing marijuana for the cardholder and is registered under ORS 475.304; and]*

30 “[*(B) The person who has a debilitating medical condition, the person’s primary caregiver and the*
31 *person responsible for a marijuana grow site that is producing marijuana for the cardholder and is*
32 *registered under ORS 475.304 are collectively in possession of, delivering or producing marijuana for*
33 *medical use in amounts allowed under ORS 475.320; or]*

34 “[*(b) The person is responsible for or employed by a medical marijuana facility registered under*
35 *ORS 475.314 and does not commit any of the acts described in this subsection anywhere other than at*
36 *the medical marijuana facility.]*

37 “[*(2) The Oregon Health Authority shall establish and maintain a program for the issuance of*
38 *registry identification cards to persons who meet the requirements of this section. Except as provided*
39 *in subsection (3) of this section, the authority shall issue a registry identification card to any person*
40 *who pays a fee in the amount established by the authority and provides the following:]*

41 “[*(a) Valid, written documentation from the person’s attending physician stating that the person*
42 *has been diagnosed with a debilitating medical condition and that the medical use of marijuana may*
43 *mitigate the symptoms or effects of the person’s debilitating medical condition;]*

44 “[*(b) The name, address and date of birth of the person;]*

45 “[*(c) The name, address and telephone number of the person’s attending physician;]*

1 “(d) The name and address of the person’s designated primary caregiver, if the person has desig-
2 nated a primary caregiver at the time of application; and]

3 “(e) A written statement that indicates whether the marijuana used by the cardholder will be
4 produced at a location where the cardholder or designated primary caregiver is present or at another
5 location.]

6 “(3) The authority shall issue a registry identification card to a person who is under 18 years of
7 age if the person submits the materials required under subsection (2) of this section, and the custodial
8 parent or legal guardian with responsibility for health care decisions for the person under 18 years of
9 age signs a written statement that:]

10 “(a) The attending physician of the person under 18 years of age has explained to that person and
11 to the custodial parent or legal guardian with responsibility for health care decisions for the person
12 under 18 years of age the possible risks and benefits of the medical use of marijuana;]

13 “(b) The custodial parent or legal guardian with responsibility for health care decisions for the
14 person under 18 years of age consents to the use of marijuana by the person under 18 years of age for
15 medical purposes;]

16 “(c) The custodial parent or legal guardian with responsibility for health care decisions for the
17 person under 18 years of age agrees to serve as the designated primary caregiver for the person under
18 18 years of age; and]

19 “(d) The custodial parent or legal guardian with responsibility for health care decisions for the
20 person under 18 years of age agrees to control the acquisition of marijuana and the dosage and fre-
21 quency of use by the person under 18 years of age.]

22 “(4) A person applying for a registry identification card pursuant to this section may submit the
23 information required in this section to a county health department for transmittal to the authority. A
24 county health department that receives the information pursuant to this subsection shall transmit the
25 information to the authority within five days of receipt of the information. Information received by a
26 county health department pursuant to this subsection shall be confidential and not subject to disclosure,
27 except as required to transmit the information to the authority.]

28 “(5)(a) The authority shall verify the information contained in an application submitted pursuant
29 to this section and shall approve or deny an application within thirty days of receipt of the
30 application.]

31 “(b) In addition to the authority granted to the authority under ORS 475.316 to deny an applica-
32 tion, the authority may deny an application for the following reasons:]

33 “(A) The applicant did not provide the information required pursuant to this section to establish
34 the applicant’s debilitating medical condition and to document the applicant’s consultation with an at-
35 tending physician regarding the medical use of marijuana in connection with such condition, as pro-
36 vided in subsections (2) and (3) of this section;]

37 “(B) The authority determines that the information provided was falsified; or]

38 “(C) The applicant has been prohibited by a court order from obtaining a registry identification
39 card.]

40 “(c) Denial of a registry identification card shall be considered a final authority action, subject to
41 judicial review. Only the person whose application has been denied, or, in the case of a person under
42 the age of 18 years of age whose application has been denied, the person’s parent or legal guardian,
43 shall have standing to contest the authority’s action.]

44 “(d) Any person whose application has been denied may not reapply for six months from the date
45 of the denial, unless so authorized by the authority or a court of competent jurisdiction.]

1 “(6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3)
2 of this section and none of the reasons for denial listed in subsection (5)(b) of this section is applicable,
3 the authority shall issue a serially numbered registry identification card within five days of verification
4 of the information. The registry identification card shall state:]

5 “(A) The cardholder’s name, address and date of birth;]

6 “(B) The date of issuance and expiration date of the registry identification card;]

7 “(C) The name and address of the person’s designated primary caregiver, if any;]

8 “(D) Whether the marijuana used by the cardholder will be produced at a location where the
9 cardholder or designated primary caregiver is present or at another location; and]

10 “(E) Any other information that the authority may specify by rule.]

11 “(b) When the person to whom the authority has issued a registry identification card pursuant to
12 this section has specified a designated primary caregiver, the authority shall issue an identification
13 card to the designated primary caregiver. The primary caregiver’s registry identification card shall
14 contain the information provided in paragraph (a) of this subsection.]

15 “(7)(a) A person who possesses a registry identification card shall:]

16 “(A) Notify the authority of any change in the person’s name, address, attending physician or
17 designated primary caregiver.]

18 “(B) If applicable, notify the designated primary caregiver of the cardholder, the person responsi-
19 ble for the marijuana grow site that produces marijuana for the cardholder and any person responsible
20 for a medical marijuana facility that transfers usable marijuana or immature marijuana plants to the
21 cardholder under ORS 475.314 of any change in status including, but not limited to:]

22 “(i) The assignment of another individual as the designated primary caregiver of the
23 cardholder;]

24 “(ii) The assignment of another individual as the person responsible for a marijuana grow site
25 producing marijuana for the cardholder; or]

26 “(iii) The end of the eligibility of the cardholder to hold a valid registry identification card.]

27 “(C) Annually submit to the authority:]

28 “(i) Updated written documentation from the cardholder’s attending physician of the person’s de-
29 bilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects
30 of the person’s debilitating medical condition; and]

31 “(ii) The name of the person’s designated primary caregiver if a primary caregiver has been des-
32 ignated for the upcoming year.]

33 “(b) If a person who possesses a registry identification card fails to comply with this subsection,
34 the card shall be deemed expired. If a registry identification card expires, the identification card of any
35 designated primary caregiver of the cardholder shall also expire.]

36 “(8)(a) A person who possesses a registry identification card pursuant to this section and who has
37 been diagnosed by the person’s attending physician as no longer having a debilitating medical condi-
38 tion or whose attending physician has determined that the medical use of marijuana is contraindicated
39 for the person’s debilitating medical condition shall return the registry identification card and any
40 other associated Oregon Medical Marijuana Program cards to the authority within 30 calendar days
41 of notification of the diagnosis or notification of the contraindication.]

42 “(b) If, due to circumstances beyond the control of the registry identification cardholder, a
43 cardholder is unable to obtain a second medical opinion about the cardholder’s continuing eligibility
44 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has
45 expired, the authority may grant the cardholder additional time to obtain a second opinion before re-

1 quiring the cardholder to return the registry identification card and any associated cards.]

2 “[*(9) A person who has applied for a registry identification card pursuant to this section but whose*
3 *application has not yet been approved or denied, and who is contacted by any law enforcement officer*
4 *in connection with the person’s administration, possession, delivery or production of marijuana for*
5 *medical use may provide to the law enforcement officer a copy of the written documentation submitted*
6 *to the authority pursuant to subsection (2) or (3) of this section and proof of the date of mailing or other*
7 *transmission of the documentation to the authority. This documentation shall have the same legal effect*
8 *as a registry identification card until such time as the person receives notification that the application*
9 *has been approved or denied.*]

10 “[*(10)(a) A registry identification cardholder has the primary responsibility of notifying the desig-*
11 *ated primary caregiver, the person responsible for the marijuana grow site that produces marijuana*
12 *for the cardholder and any person responsible for a medical marijuana facility that transfers usable*
13 *marijuana or immature marijuana plants to the cardholder under ORS 475.314 of any change in status*
14 *of the cardholder.*]

15 “[*(b) If the authority is notified by the cardholder that a primary caregiver or person responsible*
16 *for a marijuana grow site has changed, the authority shall notify the primary caregiver or the person*
17 *responsible for the marijuana grow site by mail at the address of record confirming the change in*
18 *status and informing the caregiver or person responsible for the marijuana grow site that their card*
19 *is no longer valid and must be returned to the authority.*]

20 “[*(11) The authority shall revoke the registry identification card of a cardholder if a court has is-*
21 *ssued an order that prohibits the cardholder from participating in the medical use of marijuana or*
22 *otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The*
23 *cardholder shall return the registry identification card to the authority within seven calendar days of*
24 *notification of the revocation. If the cardholder is a patient, the patient shall return the patient’s card*
25 *and all other associated Oregon Medical Marijuana Program cards.*]

26 “[*(12) The authority shall revoke the registration of a medical marijuana facility registered under*
27 *ORS 475.314 if a court has issued an order that prohibits the person responsible for the medical*
28 *marijuana facility from participating in the Oregon Medical Marijuana Program under ORS 475.300*
29 *to 475.346.*]

30 “[*(13) The authority and employees and agents of the authority acting within the course and scope*
31 *of their employment are immune from any civil liability that might be incurred or imposed for the*
32 *performance of or failure to perform duties required by this section.*]

33 **“(1) The Oregon Health Authority shall establish a program for the issuance of registry**
34 **identification cards to applicants who meet the requirements of this section.**

35 **“(2) The authority shall issue a registry identification card to an applicant who is 18**
36 **years of age or older if the applicant pays a fee in an amount established by the authority**
37 **by rule and submits to the authority an application containing the following information:**

38 **“(a) Written documentation from the applicant’s attending physician stating that the**
39 **attending physician has diagnosed the applicant as having a debilitating medical condition**
40 **and that the medical use of marijuana may mitigate the symptoms or effects of the**
41 **applicant’s debilitating medical condition;**

42 **“(b) The name, address and date of birth of the applicant;**

43 **“(c) The name, address and telephone number of the applicant’s attending physician;**

44 **“(d) Proof of residency, as required by the authority by rule;**

45 **“(e) The name and address of the applicant’s designated primary caregiver, if the appli-**

1 cant is designating a primary caregiver under ORS 475.312; and

2 “(f) The information described in ORS 475.304 (2), if the applicant is applying to produce
3 marijuana or designate another person under ORS 475.304 to produce marijuana.

4 “(3)(a) The authority shall issue a registry identification card to an applicant who is un-
5 der 18 years of age if:

6 “(A) The applicant pays the fee and submits the application described in subsection (2)
7 of this section; and

8 “(B) The custodial parent or legal guardian who is responsible for the health care deci-
9 sions of the applicant signs and submits to the authority a written statement that:

10 “(i) The applicant’s attending physician has explained to the applicant and to the custo-
11 dial parent or legal guardian the possible risks and benefits of the medical use of marijuana;

12 “(ii) The custodial parent or legal guardian consents to the medical use of marijuana by
13 the applicant;

14 “(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated
15 primary caregiver; and

16 “(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and
17 frequency of the medical use of marijuana by the applicant.

18 “(b) An applicant who is under 18 years of age may not apply to produce marijuana under
19 subsection (2)(f) of this section.

20 “(4) The authority shall approve or deny an application within 30 days after receiving the
21 application.

22 “(5)(a) If the authority approves an application, the authority shall issue a serially num-
23 bered registry identification card to the applicant within five days after approving the appli-
24 cation. The registry identification card must include the following information:

25 “(A) The registry identification cardholder’s name, address and date of birth;

26 “(B) The issuance date and expiration date of the registry identification card;

27 “(C) If the registry identification cardholder designated a primary caregiver under ORS
28 475.312, the name and address of the registry identification cardholder’s designated primary
29 caregiver; and

30 “(D) Any other information required by the authority by rule.

31 “(b) If the registry identification cardholder designated a primary caregiver under ORS
32 475.312, the authority shall issue an identification card to the designated primary caregiver.
33 The identification card must contain the information required by paragraph (a) of this sub-
34 section.

35 “(6) A registry identification cardholder shall:

36 “(a) In a form and manner prescribed by the authority, notify the authority of any
37 change concerning the registry identification cardholder’s:

38 “(A) Name, address or attending physician;

39 “(B) Designated primary caregiver, including the designation of a primary caregiver made
40 at a time other than at the time of applying for or renewing a registry identification card;
41 or

42 “(C) Person responsible for a marijuana grow site, including the designation of a person
43 responsible for a marijuana grow site made at a time other than at the time of applying for
44 or renewing a registry identification card.

45 “(b) Annually renew the registry identification card by paying a fee in an amount estab-

1 lished by the authority by rule and submitting to the authority an application that contains
2 the following information:

3 “(A) Updated written documentation from the registry identification cardholder’s at-
4 tending physician stating that the registry identification cardholder still has a debilitating
5 medical condition and that the medical use of marijuana may mitigate the symptoms or ef-
6 fects of the registry identification cardholder’s debilitating medical condition;

7 “(B) The information described in subsection (2)(b) to (f) of this section; and

8 “(C) If the registry identification cardholder is under 18 years of age, a statement signed
9 by the custodial parent or legal guardian of the registry identification cardholder that meets
10 the requirements of subsection (3) of this section.

11 “(7)(a) If the registry identification cardholder’s attending physician determines that the
12 registry identification cardholder no longer has a debilitating medical condition or deter-
13 mines that the medical use of marijuana is contraindicated for the registry identification
14 cardholder’s debilitating medical condition, the registry identification cardholder shall return
15 the registry identification card to the authority within 30 calendar days after receiving notice
16 of the determination.

17 “(b) If, because of circumstances beyond the control of the registry identification
18 cardholder, a registry identification cardholder is unable to obtain a second medical opinion
19 about the registry identification cardholder’s continuing eligibility for the medical use of
20 marijuana before having to return the registry identification card to the authority, the au-
21 thority may grant the registry identification cardholder additional time to obtain a second
22 medical opinion.

23 “(8)(a) The authority may deny an application for a registry identification card or an
24 application to renew a registry identification card, or may suspend or revoke a registry
25 identification card, if:

26 “(A) The applicant or registry identification cardholder does not provide the information
27 required by this section;

28 “(B) The authority determines that the applicant or registry identification cardholder
29 provided false information; or

30 “(C) The authority determines that the applicant or registry identification cardholder
31 violated a provision of ORS 475.300 to 475.346 or a rule adopted under ORS 475.300 to 475.346.

32 “(b) If a registry identification card is revoked, any associated identification card issued
33 under subsection (5)(b) of this section, or marijuana grow site registration card issued under
34 ORS 475.304 (6), shall also be revoked.

35 “(c) A person whose application is denied, or whose registry identification card is re-
36 voked, under this subsection may not reapply for a registry identification card for six months
37 from the date of the denial or revocation unless otherwise authorized by the authority.

38 “(9)(a) The authority may deny a designation of a primary caregiver made under ORS
39 475.312, or suspend or revoke an associated identification card issued under subsection (5)(b)
40 of this section, if the authority determines that the designee or the registry identification
41 cardholder violated a provision of ORS 475.300 to 475.346 or a rule adopted under ORS 475.300
42 to 475.346.

43 “(b) A person whose designation has been denied, or whose identification card has been
44 revoked, under this subsection may not be designated as a primary caregiver under ORS
45 475.312 for six months from the date of the denial or revocation unless otherwise authorized

1 by the authority.

2 “(10) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry
3 identification card, or a registry identification cardholder applying for renewal of a registry
4 identification card, submits to the authority proof of having served in the Armed Forces of
5 the United States and of having been diagnosed with post-traumatic stress disorder, the au-
6 thority may not impose a fee that is greater than \$20 for the issuance or renewal of the
7 registry identification card.

8 “**SECTION 80b.** ORS 475.312 is amended to read:

9 “475.312. (1) If a person who [possesses a registry identification card issued pursuant to ORS
10 475.309] is applying for a registry identification card under ORS 475.309, or who is a registry
11 identification cardholder, chooses to [have a designated] designate, or to change the designation
12 of, a primary caregiver, the person must [designate the primary caregiver by including] include the
13 primary caregiver’s name and address:

14 “(a) On the person’s application for a registry identification card;

15 “[*(b) In the annual updated information required under ORS 475.309; or*]

16 “(b) On the person’s application to renew a registry identification card; or

17 “(c) In a [*written,*] form and manner prescribed by the authority, in a signed statement
18 [submitted to] notifying the Oregon Health Authority of the designation.

19 “(2) A [*person described in this section*] registry identification cardholder may have only one
20 designated primary caregiver at any given time.

21 “(3) If a registry identification cardholder who previously designated a primary caregiver
22 chooses to designate a different primary caregiver, the authority shall notify the previous
23 designee of the new designation and issue an identification card to the newly designated
24 primary caregiver.

25 “**SECTION 80c.** The amendments to ORS 475.309 and 475.312 by sections 80a and 80b of
26 this 2015 Act apply to:

27 “(1) Applications received by the Oregon Health Authority for a registry identification
28 card on or after the operative date specified in section 179 of this 2015 Act;

29 “(2) Applications received by the authority to renew a registry identification card on or
30 after the operative date specified in section 179 of this 2015 Act; and

31 “(3) Registry identification cards updated by the authority on or after the operative date
32 specified in section 179 of this 2015 Act.

33
34 “(Medical Marijuana Producers)

35
36 “**SECTION 81.** ORS 475.304 is amended to read:

37 “475.304. [*(1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-*
38 *tration system to authorize production of marijuana by a registry identification cardholder, a desig-*
39 *ned primary caregiver who grows marijuana for the cardholder or a person who is responsible for*
40 *a marijuana grow site. The marijuana grow site registration system adopted must require a registry*
41 *identification cardholder to submit an application to the authority that includes:]*

42 “[*(a) The name of the person responsible for the marijuana grow site;*]

43 “[*(b) The address of the marijuana grow site;*]

44 “[*(c) The registry identification card number of the registry cardholder for whom the marijuana is*
45 *being produced; and*]

1 “(d) Any other information the authority considers necessary.]

2 “(2) The authority shall issue a marijuana grow site registration card to a registry identification

3 cardholder who has met the requirements of subsection (1) of this section.]

4 “(3) A person who has been issued a marijuana grow site registration card under this section must

5 display the registration card at the marijuana grow site at all times when marijuana is being

6 produced.]

7 “(4) A marijuana grow site registration card must be obtained and posted for each registry iden-

8 tification cardholder for whom marijuana is being produced at a marijuana grow site.]

9 “(5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana

10 for a registry identification cardholder by a person responsible for a marijuana grow site are the

11 property of the registry identification cardholder and must be provided to the registry identification

12 cardholder, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to

13 a medical marijuana facility registered under ORS 475.314, upon request.]

14 “(6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person

15 whose name is submitted as a person responsible for a marijuana grow site.]

16 “(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the

17 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a

18 marijuana grow site registration card or produce marijuana for a registry identification cardholder for

19 five years from the date of conviction.]

20 “(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to

21 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not

22 be issued a marijuana grow site registration card or produce marijuana for a registry identification

23 cardholder.]

24 “(7) A registry identification cardholder or the designated primary caregiver of the cardholder

25 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities

26 associated with the production of marijuana for the registry identification cardholder. No other costs

27 associated with the production of marijuana for the registry identification cardholder, including the cost

28 of labor, may be reimbursed.]

29 “(8) The authority may adopt rules imposing a fee in an amount established by the authority for

30 registration of a marijuana grow site under this section.]

31 **“(1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site regis-**

32 **tration system to track and regulate the production of marijuana by a registry identification**

33 **cardholder or a person designated by the registry identification cardholder to produce**

34 **marijuana for the registry identification cardholder.**

35 **“(b) Except as provided in paragraph (c) of this subsection, a person may not produce**

36 **marijuana unless the person is registered under this section.**

37 **“(c) Paragraph (b) of this subsection does not apply to a the production of marijuana as**

38 **provided in sections 3 to 70, chapter 1, Oregon Laws 2015, or as otherwise provided for by the**

39 **statutory laws of this state.**

40 **“(2) Rules adopted under this section must require an applicant for a registry identifica-**

41 **tion card, or a registry identification cardholder who produces marijuana or who designates**

42 **another person to produce marijuana, to submit an application to the authority containing**

43 **the following information at the time of making an application under ORS 475.309 (2), re-**

44 **newing a registry identification card under ORS 475.309 (6)(b), or notifying the authority of**

45 **a change under ORS 475.309 (6)(a):**

1 “(a) The name of the person responsible for the marijuana grow site;

2 “(b) Proof, until January 1, 2020, that the person responsible for the marijuana grow site

3 has been a resident of this state for two or more years, and proof that the person is 21 years

4 of age or older;

5 “(c) The address of the marijuana grow site; and

6 “(d) Any other information that the authority considers necessary to track the pro-

7 duction of marijuana under ORS 475.300 to 475.346.

8 “(3)(a) The authority shall conduct a criminal records check under ORS 181.534 of any

9 person whose name is submitted under this section as the person responsible for a marijuana

10 grow site.

11 “(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for

12 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not

13 act as or be designated a person responsible for a marijuana grow site for two years from

14 the date of conviction.

15 “(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752

16 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule

17 II may not act as or be designated a person responsible for a marijuana grow site.

18 “(4) Subject to subsection (11) of this section, the authority shall issue a marijuana grow

19 site registration card if the requirements of subsections (2) and (3) of this section are met.

20 “(5) A person who holds a marijuana grow site registration card under this section must

21 display the card at the marijuana grow site at all times.

22 “(6) A marijuana grow site registration card must be obtained and posted for each reg-

23 istry identification cardholder for whom marijuana is being produced at a marijuana grow

24 site.

25 “(7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable

26 marijuana associated with the production of marijuana for a registry identification

27 cardholder by a person responsible for a marijuana grow site are the property of the registry

28 identification cardholder.

29 “(b) All seeds, immature marijuana plants, mature marijuana plants and usable

30 marijuana associated with the production of marijuana for a registry identification

31 cardholder by a person responsible for a marijuana grow site must be transferred to the

32 registry identification cardholder upon the request of the registry identification cardholder.

33 “(c) All usable marijuana associated with the production of marijuana for a registry

34 identification cardholder by a person responsible for a marijuana grow site must be trans-

35 ferred to a marijuana processing site upon the request of the registry identification

36 cardholder. For purposes of this paragraph, a request to transfer usable marijuana consti-

37 tutes an assignment of the right to possess the usable marijuana.

38 “(d) All seeds, immature marijuana plants and usable marijuana associated with the

39 production of marijuana for a registry identification cardholder by a person responsible for

40 a marijuana grow site must be transferred to a medical marijuana dispensary upon request

41 of the registry identification cardholder. For purposes of this paragraph, a request to

42 transfer seeds, immature marijuana plants or usable marijuana constitutes an assignment

43 of the right to possess the seeds, immature marijuana plants or usable marijuana.

44 “(e) Information related to transfers made under this subsection must be submitted to

45 the authority in the manner required by section 81a of this 2015 Act.

1 “(8) A registry identification cardholder, or the designated caregiver of a registry iden-
2 tification cardholder, may reimburse a person responsible for a marijuana grow site for all
3 costs associated with the production of marijuana for the registry identification cardholder.

4 “(9) The authority may inspect:

5 “(a) The marijuana grow site of a person designated to produce marijuana by a registry
6 identification cardholder to ensure compliance with this section and section 81a of this 2015
7 Act and ORS 475.320 and any rule adopted under this section and section 81a of this 2015 Act
8 and ORS 475.320; and

9 “(b) The records of the marijuana grow site of a person designated to produce marijuana
10 by a registry identification cardholder to ensure compliance with this section and section 81a
11 of this 2015 Act and any rule adopted under this section and section 81a of this 2015 Act.

12 “(10) The authority may refuse to register a registry identification cardholder or a
13 designee under this section or may suspend or revoke the registration of a person responsi-
14 ble for a marijuana grow site if the authority determines that the applicant or the person
15 responsible for a marijuana grow site violated a provision of ORS 475.300 to 475.346, a rule
16 adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter
17 79, Oregon Laws 2014.

18 “(11) The authority may require a person responsible for a marijuana grow site, prior to
19 issuing a marijuana grow site registration card under subsection (4) of this section, to pay
20 a fee reasonably calculated to pay costs incurred under this section and sections 81a and 85e
21 of this 2015 Act.

22 “SECTION 81a. (1) A person designated to produce marijuana by a registry identification
23 cardholder must submit to the Oregon Health Authority, in a form and manner established
24 by the authority by rule, the following information related to the production of marijuana:

25 “(a) The number of mature marijuana plants and immature marijuana plants, the amount
26 of marijuana leaves and flowers being dried, and the amount of usable marijuana, in the
27 person’s possession;

28 “(b) The number of mature marijuana plants and immature marijuana plants, and the
29 amount of usable marijuana, that the person transfers to each registry identification
30 cardholder for whom the person produces marijuana;

31 “(c) The amount of usable marijuana that the person transfers to each marijuana pro-
32 cessing site; and

33 “(d) The number of immature marijuana plants, and the amount of usable marijuana,
34 that the person transfers to each medical marijuana dispensary.

35 “(2) The authority shall by rule require a person designated to produce marijuana by a
36 registry identification cardholder to submit the information described in subsection (1) of
37 this section once each month. The authority may not employ any method other than that
38 described in this section to obtain information related to the production of marijuana from
39 a person designated to produce marijuana by a registry identification cardholder.

40 “(3) In addition to submitting the information as required by subsection (1) of this sec-
41 tion, a person designated to produce marijuana by a registry identification cardholder must
42 keep a record of the information described in subsection (1) of this section for two years
43 after the date on which the person submits the information to the authority.

44 “SECTION 81b. (1) Except as provided in subsection (2) of this section, section 81a of this
45 2015 Act and the amendments to ORS 475.304 by section 81 of this 2015 Act apply to persons

1 who have registered with the Oregon Health Authority under ORS 475.304 before, on or after
2 the operative date specified in section 179 of this 2015 Act.

3 “(2) The amendments to ORS 475.304 by section 81 of this 2015 Act pertaining to the
4 submission of information necessary to register a person as a person responsible for a
5 marijuana grow site apply to applications for registry identification cards, applications to
6 renew registry identification cards, and designations made under ORS 475.304, on or after the
7 operative date specified in section 179 of this 2015 Act.

8
9 “(Grow Site Possession Limits)

10
11 “**SECTION 82.** ORS 475.320 is amended to read:

12 “475.320. [(1)(a) A registry identification cardholder or the designated primary caregiver of the
13 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.]

14 “[*(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has
15 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or
16 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder
17 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at
18 any given time for a period of five years from the date of the conviction.*]

19 “[*(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:*]

20 “[*(a) May produce marijuana for and provide marijuana:*]

21 “[*(A) To a registry identification cardholder or a cardholder’s designated primary caregiver as
22 authorized under this section; or]*

23 “[*(B) If the marijuana is usable marijuana or an immature marijuana plant and the registry
24 identification cardholder authorizes the person responsible for the marijuana grow site to transfer the
25 usable marijuana or immature marijuana plant to a medical marijuana facility registered under ORS
26 475.314, to the medical marijuana facility.*]

27 “[*(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each
28 cardholder or caregiver for whom marijuana is being produced.*]

29 “[*(c) May produce marijuana for no more than four registry identification cardholders or desig-
30 nated primary caregivers concurrently.*]

31 “[*(d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304
32 for each registry identification cardholder or designated primary caregiver for whom marijuana is be-
33 ing produced.*]

34 “[*(e) Must provide all marijuana produced for a registry identification cardholder or designated
35 primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana
36 grow site ceases producing marijuana for the cardholder or caregiver.*]

37 “[*(f) Must return the marijuana grow site registration card to the registry identification cardholder
38 to whom the card was issued when requested to do so by the cardholder or when the person responsible
39 for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.*]

40 “[*(3) Except as provided in subsections (1) and (2) of this section, a registry identification
41 cardholder, the designated primary caregiver of the cardholder and the person responsible for a
42 marijuana grow site producing marijuana for the registry identification cardholder may possess a
43 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-
44 tification cardholder.*]

45 “[*(4)(a) A registry identification cardholder and the designated primary caregiver of the cardholder*

1 *may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon*
2 *Health Authority.]*

3 *“(b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings*
4 *or starts as defined by rule of the authority for each registry identification cardholder for whom the*
5 *person responsible for the marijuana grow site is producing marijuana.]*

6 **“(1) Subject to subsection (2) of this section, a registry identification cardholder and the**
7 **designated primary caregiver of the registry identification cardholder may jointly possess six**
8 **or fewer mature marijuana plants.**

9 **“(2)(a) A person may be designated to produce marijuana under ORS 475.304 by no more**
10 **than four registry identification cardholders.**

11 **“(b) A person who is designated to produce marijuana by a registry identification**
12 **cardholder may produce no more than six mature marijuana plants per registry identification**
13 **cardholder.**

14 **“(3) If the address of a person responsible for a marijuana grow site under ORS 475.304**
15 **is located within city limits in an area zoned for residential use:**

16 **“(a) Except as provided in paragraph (b) of this subsection, no more than 12 mature**
17 **marijuana plants may be produced at the address; or**

18 **“(b) Subject to subsection (5) of this section, if each person responsible for a marijuana**
19 **grow site located at the address first registered with the Oregon Health Authority under**
20 **ORS 475.304 before January 1, 2015, no more than the amount of mature marijuana plants**
21 **located at that address on December 31, 2014, in excess of 12 mature marijuana plants, not**
22 **to exceed 24 mature marijuana plants, may be produced at the address.**

23 **“(4) If the address of a person responsible for a marijuana grow site under ORS 475.304**
24 **is located in an area other than an area described in subsection (3) of this section:**

25 **“(a) Except as provided in paragraph (b) of this subsection, no more than 48 mature**
26 **marijuana plants may be produced at the address; or**

27 **“(b) Subject to subsections (5) and (6) of this section, if each person responsible for a**
28 **marijuana grow site located at the address first registered with the authority under ORS**
29 **475.304 before January 1, 2015, no more than the amount of mature marijuana plants located**
30 **at that address on December 31, 2014, in excess of 48 mature marijuana plants, not to exceed**
31 **96 mature marijuana plants, may be produced at the address.**

32 **“(5) If the authority suspends or revokes the registration of a person responsible for a**
33 **marijuana grow site that is located at an address described in subsection (3)(b) or (4)(b) of**
34 **this section:**

35 **“(a) No more than 12 mature marijuana plants may be subsequently produced at any**
36 **address described in subsection (3) of this section at which the person responsible for that**
37 **marijuana grow site produces marijuana.**

38 **“(b) No more than 48 mature marijuana plants may be subsequently produced at any**
39 **address described in subsection (4) of this section at which the person responsible for that**
40 **marijuana grow site produces marijuana.**

41 **“(6) If a registry identification cardholder who designated a person to produce marijuana**
42 **for the registry identification cardholder pursuant to ORS 475.304 terminates the designation,**
43 **the person responsible for the marijuana grow site whose designation has been terminated**
44 **may not be designated to produce marijuana by another registry identification cardholder,**
45 **except that the person may be designated by another registry identification cardholder if no**

1 more than 48 mature marijuana plants are produced at the address for the marijuana grow
2 site at which the person produces marijuana.

3 “(7) If a law enforcement officer determines that a registry identification cardholder, the
4 designated primary caregiver of a registry identification cardholder, or a person responsible
5 for a marijuana grow site under ORS 475.304 who grows marijuana for a registry identifica-
6 tion cardholder, possesses a number of mature marijuana plants in excess of the quantities
7 specified in this section, the law enforcement officer may confiscate only the excess number
8 of mature marijuana plants.

9 “SECTION 82a. (1) Except as provided in subsection (2) of this section, a registry iden-
10 tification cardholder and the designated primary caregiver of the registry identification
11 cardholder may jointly possess no more than 24 ounces of usable marijuana.

12 “(2) Subject to subsection (3) of this section, a person designated to produce marijuana
13 by a registry identification cardholder may possess the amount of usable marijuana that the
14 person harvests from the person’s mature marijuana plants, provided that the person may
15 not possess usable marijuana in excess of the amount of usable marijuana in the person’s
16 possession as reported to the Oregon Health Authority under section 81a of this 2015 Act.

17 “(3) A person designated to produce marijuana by a registry identification cardholder
18 may not possess usable marijuana in excess of:

19 “(a) For a marijuana growsite located outdoors, 12 pounds of usable marijuana per ma-
20 ture marijuana plant; or

21 “(b) For a marijuana growsite located indoors, six pounds of usable marijuana per mature
22 marijuana plant.

23 “SECTION 82b. The amendments to ORS 475.320 by section 82 of this 2015 Act apply to
24 persons who registered with the Oregon Health Authority under ORS 475.304 before, on or
25 after the operative date specified in section 179 of this 2015 Act.

26
27 “(Personal Agreements)
28

29 “SECTION 83. Notwithstanding ORS 475.304 (7), a person responsible for a marijuana
30 grow site may enter into an agreement with a registry identification cardholder under which
31 the registry identification cardholder assigns, to the person responsible for the marijuana
32 grow site, a portion of the right to possess the seeds, immature marijuana plants and usable
33 marijuana that are the property of the registry identification cardholder.

34
35 “(Proof of Issuance)
36

37 “SECTION 84. ORS 475.306 is amended to read:

38 “475.306. [(1) A person who possesses a registry identification card issued pursuant to ORS
39 475.309 may engage in, and a designated primary caregiver of such a person may assist in, the medical
40 use of marijuana only as justified to mitigate the symptoms or effects of the person’s debilitating med-
41 ical condition.]

42 “[2) A person who is a registry identification cardholder must possess the registry identification
43 card when using or transporting marijuana in a location other than the residence of the cardholder.]

44 “[3) The Oregon Health Authority shall define by rule when a marijuana plant is mature and
45 when it is immature. The rule shall provide that a plant that has no flowers and that is less than 12

1 inches in height and less than 12 inches in diameter is a seedling or a start and is not a mature
2 plant.]

3 “A person to whom a registry identification card has been issued under ORS 475.309
4 (5)(a), an identification card has been issued under ORS 475.309 (5)(b), or a marijuana grow
5 site registration card has been issued under ORS 475.304, may not possess marijuana, usable
6 marijuana, medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts
7 in a location other than the address on file with the Oregon Health Authority unless the
8 person is carrying the card.

9
10 “(Medical Marijuana Processors)

11
12 “**SECTION 85.** (1)(a) The Oregon Health Authority shall establish by rule a marijuana
13 processing site registration system to track and regulate the processing of marijuana by a
14 person responsible for a marijuana processing site.

15 “(b) Except as provided in paragraph (c) of this subsection, a person may not process
16 marijuana unless the person is registered under this section.

17 “(c) Paragraph (b) of this subsection does not apply to the processing of marijuana as
18 provided in sections 3 to 70, chapter 1, Oregon Laws 2015, or as otherwise provided for by the
19 statutory laws of this state.

20 “(2) The registration system established under subsection (1) of this section must require
21 an applicant for a marijuana processing site to submit an application to the authority that
22 includes:

23 “(a) The name of the individual who owns the marijuana processing site or, if a business
24 entity owns the marijuana processing site, the name of each individual who has a financial
25 interest in the marijuana processing site;

26 “(b) The name of the individual or individuals responsible for the marijuana processing
27 site, if different from the name of the individual who owns the marijuana processing site;

28 “(c) The address of the marijuana processing site;

29 “(d) Proof, until January 1, 2020, that each individual responsible for the marijuana pro-
30 cessing site has been a resident of this state for two or more years, and proof that each in-
31 dividual responsible for the marijuana processing site is 21 years of age or older;

32 “(e) Documentation, as required by the authority by rule, that demonstrates the
33 marijuana processing site meets the requirements of subsection (3) of this section; and

34 “(f) Any other information that the authority considers necessary.

35 “(3) To qualify for registration under this section, a marijuana processing site:

36 “(a) May not be located in an area that is zoned for residential use if the marijuana
37 processing site processes cannabinoid extracts;

38 “(b) Must be registered as a business, or have filed an application to register as a busi-
39 ness, with the office of the Secretary of State; and

40 “(c) Must meet the requirements of any rule adopted by the authority under subsection
41 (10) of this section.

42 “(4)(a) The authority shall conduct a criminal records check under ORS 181.534 for each
43 individual named in an application under subsection (2) of this section.

44 “(b) An individual convicted for the manufacture or delivery of a controlled substance in
45 Schedule I or Schedule II may not own or be responsible for a marijuana processing site for

1 two years from the date the individual is convicted.

2 “(c) An individual convicted more than once for the manufacture or delivery of a con-
3 trolled substance in Schedule I or Schedule II may not own or be responsible for a marijuana
4 processing site.

5 “(5) If a person submits the application required under subsection (2) of this section, if
6 the marijuana processing site identified in the application meets the requirements of this
7 section and any rules adopted under this section and if each individual named in the appli-
8 cation passes the criminal records check required under subsection (4) of this section, the
9 authority shall register the marijuana processing site and issue proof of registration. Proof
10 of registration must be displayed on the premises of the marijuana processing site at all
11 times.

12 “(6) A marijuana processing site that is registered under this section is not required to
13 register with the State Board of Pharmacy under ORS 475.125.

14 “(7) The individual or individuals responsible for a marijuana processing site shall main-
15 tain documentation of each transfer of usable marijuana, medical cannabinoid products,
16 cannabinoid concentrates and cannabinoid extracts.

17 “(8) The authority may inspect:

18 “(a) The premises of a proposed marijuana processing site or a registered marijuana
19 processing site to ensure compliance with this section and sections 85a and 85b of this 2015
20 Act and any rules adopted under this section and sections 85a and 85b of this 2015 Act; and

21 “(b) The records of a registered marijuana processing site to ensure compliance with
22 subsection (7) of this section.

23 “(9) Subject to the provisions of ORS chapter 183, the authority may refuse to register
24 an applicant under this section or may suspend or revoke the registration of a marijuana
25 processing site if the authority determines that the applicant, the owner of the marijuana
26 processing site, a person responsible for the marijuana processing site, or an employee of the
27 marijuana processing site, violated a provision of ORS 475.300 to 475.346, a rule adopted under
28 ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter 79, Oregon
29 Laws 2014.

30 “(10) The authority shall adopt rules to implement this section, including rules that:

31 “(a) Require a registered marijuana processing site to annually renew the registration for
32 that site;

33 “(b) Establish fees for registering, and renewing the registration of, a marijuana pro-
34 cessing site;

35 “(c) Require that medical cannabinoid products, cannabinoid concentrates and
36 cannabinoid extracts transferred by a marijuana processing site be tested to ensure the
37 public health and safety; and

38 “(d) Impose any other standard on the operation of a marijuana processing site to ensure
39 the public health and safety.

40 “SECTION 85a. (1) A marijuana processing site must meet any public health and safety
41 standards established by the Oregon Health Authority by rule related to:

42 “(a) Cannabinoid edibles, if the marijuana processing site processes marijuana into
43 cannabinoid edibles;

44 “(b) Cannabinoid concentrates, if the marijuana processing site processes marijuana into
45 cannabinoid concentrates;

1 “(c) Cannabinoid extracts, if the marijuana processing site processes marijuana into
2 cannabinoid extracts; or

3 “(d) Any other type of medical cannabinoid product identified by the authority by rule,
4 if the marijuana processing site processes marijuana into that type of medical cannabinoid
5 product.

6 “(2) The authority shall adopt rules to implement this section.

7 “SECTION 85b. (1) The Oregon Health Authority shall require by rule a marijuana pro-
8 cessing site to submit to the authority for inclusion in the database developed and main-
9 tained pursuant to section 85e of this 2015 Act the following information:

10 “(a) The amount of usable marijuana transferred to the marijuana processing site;

11 “(b) The amount and type of medical cannabinoid products transferred by the marijuana
12 processing site;

13 “(c) The amount and type of cannabinoid concentrates transferred by the marijuana
14 processing site; and

15 “(d) The amount and type of cannabinoid extracts transferred by the marijuana pro-
16 cessing site.

17 “(2) The authority by rule may require a marijuana processing site to submit to the au-
18 thority for inclusion in the database developed and maintained pursuant to section 85e of this
19 2015 Act information that is in addition to the information described in subsection (1) of this
20 section as the authority considers necessary to fulfill the authority’s duties under section
21 85 (1) of this 2015 Act. The authority may not employ any method other than that described
22 in this section to obtain information from a marijuana processing site.

23 “SECTION 85c. (1) A marijuana processing site may not transfer medical cannabinoid
24 products, cannabinoid concentrates or cannabinoid extracts to a person other than a registry
25 identification cardholder, a designated primary caregiver or a medical marijuana dispensary.

26 “(2) A person other than a marijuana processing site may not transfer medical
27 cannabinoid products, cannabinoid concentrates or cannabinoid extracts to a medical
28 marijuana dispensary.

29 “SECTION 85d. Section 85 of this 2015 Act does not apply to a registry identification
30 cardholder or a person who has been designated as a primary caregiver under ORS 475.312
31 who processes a medical cannabinoid product or a cannabinoid concentrate for a registry
32 identification cardholder.

33
34 “(Database)
35

36 “SECTION 85e. (1) The Oregon Health Authority shall develop and maintain a database
37 of information related to the production of marijuana by persons designated to produce
38 marijuana by a registry identification cardholder, the processing of marijuana by a marijuana
39 processing site under section 85 of this 2015 Act and the transfer of usable marijuana, med-
40 ical cannabinoid products, cannabinoid concentrates and cannabinoid extracts by medical
41 marijuana dispensaries under ORS 475.314. At a minimum, the database must include the
42 information submitted to the authority under sections 81a, 85b and 86b of this 2015 Act.

43 “(2)(a) Subject to paragraph (c) of this subsection, the authority may provide information
44 that is stored in the database developed and maintained under this section to a law
45 enforcement agency.

1 “(b) Subject to paragraph (c) of this subsection, the authority may provide information
2 that is stored in the database developed and maintaining under this section to the regulatory
3 agencies of a city or county.

4 “(c) The authority may not disclose:

5 “(A) Any personally identifiable information related to a registry identification
6 cardholder or a designated primary caregiver that is stored in the database developed and
7 maintained under this section.

8 “(B) Any information related to the amount and type of usable marijuana, medical
9 cannabinoid products, cannabinoid concentrates and cannabinoid extracts transferred to or
10 by persons designated to produce marijuana by a registry identification cardholder,
11 marijuana processing sites or medical marijuana dispensaries.

12 “(3) Nothing in this section prevents a law enforcement agency from lawfully obtaining
13 information that is stored in the database developed and maintained under this section by
14 subpoena.

15
16 “(Medical Marijuana Dispensaries)
17

18 “**SECTION 86.** ORS 475.314, as amended by section 5, chapter 79, Oregon Laws 2014, is
19 amended to read:

20 “475.314. [(1) The Oregon Health Authority shall establish by rule a medical marijuana facility
21 registration system to authorize the transfer of usable marijuana and immature marijuana plants
22 from:]

23 “[(a) A registry identification cardholder, the designated primary caregiver of a registry identi-
24 fication cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility;
25 or]

26 “[(b) A medical marijuana facility to a registry identification cardholder or the designated primary
27 caregiver of a registry identification cardholder.]

28 “(1)(a) **The Oregon Health Authority shall establish by rule a medical marijuana
29 dispensary registration system for the purpose of tracking and regulating the transfer of:**

30 “(A) **Usable marijuana, immature marijuana plants and seeds from registry identification
31 cardholders, designated primary caregivers and persons responsible for marijuana grow sites
32 to medical marijuana dispensaries;**

33 “(B) **Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts
34 from persons responsible for marijuana processing sites to medical marijuana dispensaries;
35 and**

36 “(C) **Usable marijuana, immature marijuana plants, seeds, medical cannabinoid products,
37 cannabinoid concentrates and cannabinoid extracts from medical marijuana dispensaries to
38 registry identification cardholders and designated primary caregivers.**

39 “(b) **A person may not operate an establishment for the purpose of providing the services
40 described in paragraph (a) of this subsection unless the person is registered under this sec-
41 tion.**

42 “(2) The registration system established under subsection (1) of this section must require **an**
43 **applicant for** a medical marijuana [facility] **dispensary** to submit an application to the authority
44 that includes:

45 “(a) **The name of the individual who owns the medical marijuana dispensary or, if a**

1 **business entity owns the medical marijuana dispensary, the name of each individual who has**
2 **a financial interest in the medical marijuana dispensary;**

3 “[*a*] **(b) The name of the [person] individual or individuals responsible for the medical**
4 **marijuana [facility] dispensary, if different from the name of the individual who owns the**
5 **medical marijuana dispensary;**

6 “[*b*] **(c) The address of the medical marijuana [facility] dispensary;**

7 “[*c*] **(d) Proof, until January 1, 2020, that [the person] each individual responsible for the**
8 **medical marijuana [facility is a resident of Oregon] dispensary has been a resident of this state**
9 **for two or more years, and proof that each individual responsible for the medical marijuana**
10 **dispensary is 21 years of age or older;**

11 “[*d*] **(e) Documentation, as required by the authority by rule, that demonstrates the medical**
12 **marijuana [facility] dispensary meets the [qualifications for a medical marijuana facility as described**
13 **in] requirements of subsection (3) of this section; and**

14 “[*e*] **(f) Any other information that the authority considers necessary.**

15 **“(3) To qualify for registration under this section, a medical marijuana [facility] dispensary:**

16 “[*a*] *Must be located in an area that is zoned for commercial, industrial or mixed use or as agri-*
17 *cultural land;*]

18 **“(a) May not be located in an area that is zoned for residential use;**

19 **“(b) May not be located at the same address as a marijuana grow site;**

20 **“(c) Must be registered as a business, or have filed [a pending] an application to register as a**
21 **business, with the office of the Secretary of State;**

22 **“(d) Must not be located within 1,000 feet of the real property comprising a public or private ele-**
23 **mentary, secondary or career school attended primarily by minors;**]

24 **“(d) May not be located within 1,000 feet of:**

25 **“(A) A public elementary or secondary school for which attendance is compulsory under**
26 **ORS 339.020; or**

27 **“(B) A private or parochial elementary or secondary school, teaching children as de-**
28 **scribed in ORS 339.030 (1)(a);**

29 **“(e) Must not be located within 1,000 feet of another medical marijuana [facility] dispensary;**
30 **and**

31 **“(f) Must comport with rules adopted by the authority related to:]**

32 **“(A) Installing a minimum security system, including a video surveillance system, alarm system**
33 **and safe; and]**

34 **“(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and**
35 **immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the**
36 **registry identification cardholder, the cardholder’s designated primary caregiver or the cardholder’s**
37 **registered grower.]**

38 **“(f) Must meet the requirements of any rule adopted by the authority under subsection**
39 **(10) of this section.**

40 **“(4)(a) The authority shall conduct a criminal records check under ORS 181.534 [of a person**
41 **whose name is submitted as the person responsible for a medical marijuana facility] for each indi-**
42 **vidual named in an application submitted under subsection (2) of this section.**

43 **“(b) [A person] An individual convicted for the manufacture or delivery of a controlled sub-**
44 **stance in Schedule I or Schedule II may not [be the person] own or be responsible for a medical**
45 **marijuana [facility] dispensary for [five] two years from the date the [person] individual is con-**

1 victed.

2 “(c) [A person] **An individual** convicted more than once for the manufacture or delivery of a
3 controlled substance in Schedule I or Schedule II may not [be the person] **own or be** responsible for
4 a medical marijuana [facility] **dispensary**.

5 “(5) If a person submits the application required under subsection (2) of this section, **if** the
6 medical marijuana [facility] **dispensary** identified in the application meets the [qualifications for a
7 medical marijuana facility described in subsection (3) of this section and the person responsible for the
8 medical marijuana facility] **requirements of this section and any rules adopted under this sec-**
9 **tion and if each individual named in the application** passes the criminal records check required
10 under subsection (4) of this section, the authority shall register the medical marijuana [facility]
11 **dispensary** and issue [the person responsible for the medical marijuana facility] proof of registration.
12 [The person responsible for the medical marijuana facility shall display the] Proof of registration
13 **must be displayed** on the premises of the medical marijuana [facility at all times when usable
14 marijuana or immature marijuana plants are being transferred as described in subsection (1) of this
15 section] **dispensary at all times**.

16 “(6) **A medical marijuana dispensary that is registered under this section is not required**
17 **to register with the State Board of Pharmacy under ORS 475.125.**

18 “[6(a) A registered medical marijuana facility may receive usable marijuana or immature
19 marijuana plants only from a registry identification cardholder, designated primary caregiver or person
20 responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization,
21 on a form prescribed by the authority by rule and signed by a registry identification cardholder, to
22 receive the usable marijuana or immature marijuana plants.]

23 “[b) A registered medical marijuana facility shall maintain:]

24 “[A) A copy of each authorization form described in paragraph (a) of this subsection; and]

25 “[B) Documentation of each transfer of usable marijuana or immature marijuana plants.]

26 “(7) **The individual or individuals responsible for a medical marijuana dispensary shall**
27 **maintain documentation of each transfer of usable marijuana, medical cannabinoid products,**
28 **cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds.**

29 “[7) A medical marijuana facility registered under this section may possess usable marijuana and
30 immature marijuana plants in excess of the limits imposed on registry identification cardholders and
31 designated primary caregivers under ORS 475.320.]

32 “[8(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused
33 product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant
34 safety packaging that meets standards established by the authority by rule.]

35 “[b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused
36 product that is manufactured or packaged in a manner that is attractive to minors, as determined by
37 the authority by rule.]

38 “[9] (8) The authority may inspect:

39 “[a) The premises of an applicant for a medical marijuana facility or a registered medical
40 marijuana facility to ensure compliance with the qualifications for a medical marijuana facility de-
41 scribed in subsection (3) of this section; and]

42 “(a) **The premises of a proposed medical marijuana dispensary or a registered medical**
43 **marijuana dispensary to ensure compliance with this section and section 86b of this 2015 Act**
44 **and any rules adopted under this section or section 86b of this 2015 Act; and**

45 “(b) The records of a registered medical marijuana [facility] **dispensary** to ensure compliance

1 with subsection [(6)(b)] (7) of this section.

2 “[*(10)(a)*] *A registry identification cardholder or the designated primary caregiver of a registry*
3 *identification cardholder may reimburse a medical marijuana facility registered under this section for*
4 *the normal and customary costs of doing business, including costs related to transferring, handling,*
5 *securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants*
6 *and the cost of supplies, utilities and rent or mortgage.]*

7 “[*(b)*] *A medical marijuana facility may reimburse a person responsible for a marijuana grow site*
8 *under this section for the normal and customary costs of doing business, including costs related to*
9 *transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and*
10 *immature marijuana plants and the cost of supplies, utilities and rent or mortgage.]*

11 “[*(11)*] *the authority may revoke the registration of a medical marijuana facility registered under*
12 *this section for failure to comply with ORS 475.300 to 475.346, rules adopted under ORS 475.300 to*
13 *475.346 or ordinances adopted pursuant to section 2, chapter 79, Oregon Laws 2014. The authority may*
14 *release to the public a final order revoking a medical marijuana facility registration.]*

15 “**(9) Subject to the provisions of ORS chapter 183, the authority may refuse to register**
16 **an applicant under this section or may suspend or revoke the registration of a medical**
17 **marijuana dispensary if the authority determines that the applicant, the owner of the med-**
18 **ical marijuana dispensary, a person responsible for the medical marijuana dispensary, or an**
19 **employee of the medical marijuana dispensary, violated a provision of ORS 475.300 to 475.346,**
20 **a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2,**
21 **chapter 79, Oregon Laws 2014.**

22 “[*(12)*] **(10)** The authority shall adopt rules to implement this section, including rules that:

23 “(a) Require a **registered** medical marijuana [*facility registered under this section*] **dispensary**
24 to annually renew [*that registration; and*] **the registration for that dispensary;**

25 “(b) Establish fees for registering, and renewing **the registration** [*for*] **of, a medical marijuana**
26 [*facility under this section.*] **dispensary;**

27 “(c) **Require that each medical marijuana dispensary install and maintain a minimum**
28 **security system that includes video surveillance, an alarm system and a safe;**

29 “(d) **Require that usable marijuana, medical cannabinoid products, cannabinoid concen-**
30 **trates, cannabinoid extracts and immature marijuana plants transferred by a medical**
31 **marijuana dispensary be tested to ensure the public health and safety; and**

32 “(e) **Impose any other standard on the operation of a medical marijuana dispensary to**
33 **ensure the public health and safety.**

34 “**SECTION 86a.** If a school described in ORS 475.314 (3)(d) that has not previously been
35 attended by children is established within 1,000 feet of a medical marijuana dispensary, the
36 medical marijuana dispensary may remain at its current location unless the Oregon Health
37 Authority revokes the registration of the medical marijuana dispensary.

38 “**SECTION 86b.** (1) The Oregon Health Authority shall require by rule a medical
39 marijuana dispensary to submit to the authority for inclusion in the database developed and
40 maintained pursuant to section 85e of this 2015 Act the following information:

41 “(a) **The amount of usable marijuana transferred to and by the medical marijuana**
42 **dispensary;**

43 “(b) **The amount and type of medical cannabinoid products transferred to and by the**
44 **medical marijuana dispensary;**

45 “(c) **The amount and type of cannabinoid concentrates transferred to and by the medical**

1 marijuana dispensary;

2 “(d) The amount and type of cannabinoid extracts transferred to and by the medical
3 marijuana dispensary; and

4 “(e) The quantity of immature marijuana plants transferred to and by the medical
5 marijuana dispensary.

6 “(2) The authority by rule may require a medical marijuana dispensary to submit to the
7 authority for inclusion in the database developed and maintained pursuant to section 85e of
8 this 2015 Act information that is in addition to the information described in subsection (1)
9 of this section as the authority considers necessary to fulfill the authority’s duties under
10 ORS 475.314 (1). The authority may not employ any method other than that described in this
11 section to obtain information from a medical marijuana dispensary.

12
13 “(Designation, Assignment and Foreclosure)
14

15 “SECTION 86c. (1) A person responsible for a marijuana processing site, or a person re-
16 sponsible for a medical marijuana dispensary, may designate that responsibility to another
17 person.

18 “(2) If a designation is made under this section, the designee must submit to the Oregon
19 Health Authority proof that the designee meets the requirements and restrictions set forth
20 in:

21 “(a) For marijuana processing sites, section 85 (2)(d) and (4) of this 2015 Act; or

22 “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

23 “(3) The authority may prescribe the form and manner of submitting proof under sub-
24 section (2) of this section.

25 “SECTION 86d. (1) A person responsible for a marijuana processing site, or a person re-
26 sponsible for a medical marijuana dispensary, may assign that responsibility to another per-
27 son.

28 “(2) If an assignment is made under this section, the assignee must submit to the Oregon
29 Health Authority proof that the assignee meets the requirements and restrictions set forth
30 in:

31 “(a) For marijuana processing sites, section 85 (2)(d) and (4) of this 2015 Act; or

32 “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

33 “(3) The authority may prescribe the form and manner of submitting proof under sub-
34 section (2) of this section.

35 “SECTION 86e. (1) In the event that a marijuana processing site or a medical marijuana
36 dispensary is foreclosed or otherwise ceases operations as described in ORS chapter 79, a
37 secured party, as defined in ORS 79.0102, may continue operations at the marijuana pro-
38 cessing site or medical marijuana dispensary upon submitting to the Oregon Health Author-
39 ity proof that the secured party or, if the secured party is a business entity, any individual
40 who has a financial interest in the secured party, meets the requirements and restrictions
41 set forth in:

42 “(a) For marijuana processing sites, section 85 (2)(d) and (4) of this 2015 Act; or

43 “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

44 “(2) The authority may prescribe the form and manner of submitting proof under sub-
45 section (1) of this section.

“(Exemptions from Criminal Liability
and Affirmative Defense)

“**SECTION 87.** Except as provided in ORS 475.316, a person engaged in or assisting in the medical use of marijuana is exempt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery or manufacture of marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana is an element if:

“(1) The person holds a registry identification card.

“(2) The person has applied for a registry identification card under ORS 475.309 and the person has proof of written documentation described in ORS 475.309 (2)(a) and proof of the date on which the person submitted the application to the Oregon Health Authority. An exemption under this subsection applies only until the authority approves or denies the application.

“(3) The person is designated as a primary caregiver under ORS 475.312.

“(4) The person is responsible for or is employed by a marijuana grow site registered under ORS 475.304.

“(5) The person owns, is responsible for, or is employed by, a marijuana processing site.

“(6) The person owns, is responsible for, or is employed by, a medical marijuana dispensary.

“**SECTION 87a.** ORS 475.319 is amended to read:

“475.319. (1) Except as provided in ORS 475.316 [*and 475.342, it is*], a person has an affirmative defense to a criminal charge of possession [*or production*], **delivery or manufacture** of marijuana, or any other criminal offense in which possession [*or production*], **delivery or manufacture** of marijuana is an element, [*that*] **if** the person charged with the offense [*is a person who*]:

“(a) [*Has been*] **Was** diagnosed with a debilitating medical condition within 12 months [*prior to arrest and been*] **of the date on which the person was arrested and was** advised by the person’s attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

“(b) Is engaged in the medical use of marijuana; and

“(c) Possesses [*or produces*], **delivers or manufactures** marijuana only in [*amounts*] **quantities** permitted under ORS 475.320.

“(2) [*It is not necessary for a person asserting an affirmative defense pursuant to this section to have received*] **A person does not need to lawfully possess** a registry identification card [*in order*] to assert the affirmative defense established in this section.

“(3) [*No*] **A** person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to [*such*] **the** use of marijuana [*shall be*] **is not** precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that [*the amount of marijuana at issue is no greater than permitted under ORS 475.320 and the patient*]:

“(a) **The person possesses, delivers or manufactures marijuana only as permitted under ORS 475.320 (1); and**

“(b) **The person** has taken a substantial step [*to comply*] **toward complying** with the provisions of ORS 475.300 to 475.346.

1 “(4) [Any] A defendant proposing to use the affirmative defense [provided for by] **established in**
2 this section in a criminal action shall, not less than five days before the trial of the cause, file and
3 serve upon the district attorney a written notice of the intention to [offer such a] **assert the affir-**
4 **mative** defense [that]. **The notice must** specifically [states] **state** the reasons why the defendant is
5 entitled to assert **the affirmative defense** and the factual basis for [such] **the** affirmative defense.
6 If the defendant fails to file and serve [such] **the** notice, the defendant is not permitted to assert the
7 affirmative defense at the trial of the cause unless the court [for good cause] orders, **for good cause,**
8 otherwise.

9 “**SECTION 87b.** ORS 475.316 is amended to read:

10 “475.316. [(1) No person authorized to possess, deliver or produce marijuana for medical use pur-
11 suant to ORS 475.300 to 475.346 shall be excepted from the criminal laws of this state or shall be
12 deemed to have established an affirmative defense to criminal charges of which possession, delivery or
13 production of marijuana is an element if the person, in connection with the facts giving rise to such
14 charges:] **A person is not exempt from the criminal laws of this state for possession, delivery**
15 **or manufacture of marijuana, aiding and abetting another in the possession, delivery or**
16 **manufacture of marijuana, or any other criminal offense in which possession, delivery or**
17 **manufacture of marijuana is an element, and the person may not assert the affirmative de-**
18 **fense established in ORS 475.319, if the person, in connection with conduct constituting an**
19 **element of the offense:**

20 “[a] (1) Drives under the influence of marijuana as provided in ORS 813.010;

21 “[b] (2) Engages in the medical use of marijuana in a public place, as [that term is] defined in
22 ORS 161.015, [or] in public view or in a correctional facility, as defined in ORS 162.135 (2), or a
23 youth correction facility, as defined in ORS 162.135 (6); **or**

24 “[c] (3) Delivers marijuana to any individual who the person knows is not in possession of a
25 registry identification card[;] **or to any individual or entity that the person knows has not been**
26 **designated to receive marijuana or assigned a possessory interest in marijuana by an indi-**
27 **vidual in possession of a registry identification card.**

28 “[d] Delivers marijuana for consideration to any individual, even if the individual is in possession
29 of a registry identification card[;]

30 “[e] Manufactures or produces marijuana at a place other than a marijuana grow site authorized
31 under ORS 475.304; **or**

32 “[f] Manufactures or produces marijuana at more than one address.]

33 “[(2) In addition to any other penalty allowed by law, a person who the Oregon Health Authority
34 finds has willfully violated the provisions of ORS 475.300 to 475.346, or rules adopted under ORS
35 475.300 to 475.346, may be precluded from obtaining or using a registry identification card for the
36 medical use of marijuana for a period of up to six months, at the discretion of the authority.]

37
38 “(General Powers)

39
40 “**SECTION 88.** (1) **In addition to any other liability or penalty provided by law, the Oregon**
41 **Health Authority may impose for each violation of a provision of ORS 475.300 to 475.346, or**
42 **for each violation of a rule adopted under a provision of ORS 475.300 to 475.346, a civil penalty**
43 **that does not exceed \$500 for each day that the violation occurs.**

44 “(2) **The authority shall impose civil penalties under this section in the manner provided**
45 **by ORS 183.745.**

1 shall provide that information to a law enforcement agency.

2
3 “(Seeds)
4

5 “**SECTION 88f.** (1) For purposes of ORS 475.300 to 475.346, seeds of the plant Cannabis
6 family Cannabaceae are a propagant of nursery stock as defined in ORS 571.005.

7 “(2) Notwithstanding subsection (1) of this section, the production and processing of
8 seeds under ORS 475.300 to 475.346 is not subject to the labeling or other requirements of
9 ORS 576.715 to 576.744 or 633.511 to 633.750.

10
11 “(Ordinances)
12

13 “**SECTION 89.** Section 2, chapter 79, Oregon Laws 2014, is amended to read:

14 “**Sec. 2.** *[Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordi-*
15 *nanances that impose reasonable regulations on the operation of medical marijuana facilities registered,*
16 *or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction*
17 *of the city or county. For purposes of this section, ‘reasonable regulations’ includes reasonable limita-*
18 *tions on the hours during which a medical marijuana facility may be operated, reasonable limitations*
19 *on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a)*
20 *and reasonable conditions on the manner in which a medical marijuana facility may dispense medical*
21 *marijuana.]*

22 “(1) For purposes of this section, ‘reasonable regulations’ includes:

23 “(a) Reasonable limitations on the hours during which the marijuana grow site of a per-
24 son designated to produce marijuana by a registry identification cardholder, a marijuana
25 processing site or a medical marijuana dispensary may operate;

26 “(b) Reasonable conditions on the manner in which a marijuana processing site or med-
27 ical marijuana dispensary may transfer usable marijuana, medical cannabinoid products,
28 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

29 “(c) Reasonable requirements related to the public’s access to the marijuana grow site
30 of a person designated to produce marijuana by a registry identification cardholder, a
31 marijuana processing site or a medical marijuana dispensary; and

32 “(d) Reasonable limitations on where the marijuana grow site of a person designated to
33 produce marijuana by a registry identification cardholder, a marijuana processing site or a
34 medical marijuana dispensary may be located.

35 “(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt or-
36 dinances that impose reasonable regulations on the operation of marijuana grow sites of
37 persons designated to produce marijuana by registry identification cardholders, marijuana
38 processing sites and medical marijuana dispensaries that are located in the area subject to
39 the jurisdiction of the city or county.

40
41 “(Other Amendments)
42

43 “**SECTION 90.** ORS 475.300 is amended to read:

44 “475.300. The people of the State of Oregon [*hereby*] find that:

45 “(1) Patients and doctors have found marijuana to be an effective treatment for suffering caused

1 by debilitating medical conditions[,] and, therefore, marijuana [*should*] **must** be treated like other
2 medicines;

3 “(2) Oregonians suffering from debilitating medical conditions should be allowed to use [*small*
4 *amounts of*] marijuana without fear of civil or criminal penalties when [*their doctors advise that such*
5 *use*] **a doctor advises that using marijuana** may provide a medical benefit [*to them*] and when
6 other reasonable restrictions are met regarding that use;

7 “(3) ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical condi-
8 tions who may benefit from the medical use of marijuana to be able to [*discuss freely with their*]
9 **freely discuss with** doctors the possible risks and benefits [*of*] **associated with the medical use**
10 **of** marijuana [*use*] and to have the benefit of [*their doctor’s*] professional **medical** advice; and

11 “(4) ORS 475.300 to 475.346 are intended [*to make only those changes to existing Oregon laws that*
12 *are necessary*] to protect patients and [*their*] doctors from criminal and civil penalties[,] and are not
13 intended to change current civil and criminal laws governing the use of marijuana for nonmedical
14 purposes.

15 “**SECTION 90a.** ORS 475.303 is amended to read:

16 “475.303. (1) There is [*created*] **established within the Oregon Health Authority** the Advisory
17 Committee on Medical Marijuana [*in the Oregon Health Authority*], consisting of 11 members ap-
18 pointed by the Director of the Oregon Health Authority.

19 “(2) The director shall appoint members of the committee from [*persons who possess registry*
20 *identification cards, designated primary caregivers of persons who possess registry identification cards*
21 *and advocates of the Oregon Medical Marijuana Act.*] **persons who are knowledgeable about**
22 **marijuana or who are registered with the authority under ORS 475.300 to 475.346 and who**
23 **are advocates for the medical use of marijuana, provided that a majority of the members of**
24 **the committee are registered with the authority under ORS 475.300 to 475.346 and are advo-**
25 **cates for the medical use of marijuana.**

26 “(3) The committee shall advise the director on the administrative aspects of [*the Oregon Med-*
27 *ical Marijuana Program, review current and proposed administrative rules of the program and provide*
28 *annual input on the fee structure of the program.*] **ORS 475.300 to 475.346, including rules and fees**
29 **adopted, and proposed for adoption, under ORS 475.300 to 475.346.**

30 “(4) The committee shall meet at least four times per year, at times and places specified by the
31 director.

32 “(5) The authority shall provide staff support to the committee.

33 “(6) All agencies of state government, as defined in ORS 174.111, are directed to assist the
34 committee in the performance of its duties and, to the extent permitted by laws relating to
35 confidentiality, to furnish information and advice that the members of the committee consider nec-
36 essary to perform their duties.

37 “**SECTION 90b.** ORS 475.323 is amended to read:

38 “475.323. (1) [*Possession of a registry identification card, designated primary caregiver identifica-*
39 *tion card pursuant to ORS 475.309 or proof of registration as a medical marijuana facility under ORS*
40 *475.314*] **Registration under ORS 475.300 to 475.346 or possession of proof of registration under**
41 **ORS 475.300 to 475.346** does not [*alone*] constitute probable cause to search the person or property
42 of the [*cardholder*] **registrant** or otherwise subject the person or property of the [*cardholder*] **reg-**
43 **istrant** to inspection by [*any governmental*] **a government** agency. However, the Oregon Health
44 Authority may inspect a [*medical marijuana facility registered under ORS 475.314*] **marijuana grow**
45 **site registered under ORS 475.304, a marijuana processing site registered under section 85**

1 **of this 2015 Act, or a medical marijuana dispensary registered under ORS 475.314, at any**
2 **reasonable time to determine whether [the facility] the person responsible for the marijuana grow**
3 **site, the person responsible for the marijuana processing site, or the person responsible for**
4 **the medical marijuana dispensary, is in compliance with ORS 475.300 to 475.346 and rules**
5 **adopted under ORS 475.300 to 475.346.**

6 “(2) Any property interest possessed, owned or used in connection with the medical use of
7 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
8 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
9 of [any] a law enforcement agency[.], **except that** a law enforcement agency has no responsibility
10 to maintain live marijuana plants lawfully seized. [No] Such property interest may **not** be forfeited
11 under any provision of law providing for the forfeiture of property [other than as], **except pursuant**
12 **to** a sentence imposed after conviction of a criminal offense. [Usable] Marijuana and **equipment or**
13 **paraphernalia used to produce, process or** administer marijuana that was seized by [any] a law
14 enforcement [office] **officer** shall be returned immediately [upon a determination by] **if** the district
15 attorney in whose county the property was seized, or the district attorney’s designee, **determines**
16 that the person from whom the marijuana, **equipment** or paraphernalia [used to administer
17 marijuana] was seized is entitled to the protections [contained in] **provided by** ORS 475.300 to
18 475.346. The determination may be evidenced[, for example,] by a decision not to prosecute, the dis-
19 missal of charges or acquittal.

20 “**SECTION 90c.** ORS 475.326 is amended to read:

21 “475.326. [No attending physician may be subjected to civil penalty or discipline by the Oregon
22 Medical Board for:] **The Oregon Medical Board may not impose a civil penalty or take other**
23 **disciplinary action against an attending physician for:**

24 “(1) Advising a person [whom the attending physician has] diagnosed as having a debilitating
25 medical condition[, or a person who the attending physician knows has been so diagnosed] by **the**
26 **attending physician or** another physician licensed under ORS chapter 677[,] about the risks and
27 benefits [of] **associated with the** medical use of marijuana or that the medical use of marijuana
28 may mitigate the symptoms or effects of the person’s debilitating medical condition, provided **that**
29 the advice is based on the attending physician’s personal assessment of the person’s medical history
30 and current medical condition; or

31 “(2) Providing the written documentation necessary for issuance **or renewal** of a registry iden-
32 tification card under ORS 475.309, [if] **provided that** the **written** documentation is based on the
33 attending physician’s personal assessment of the [applicant’s] **person’s** medical history and current
34 medical condition and the attending physician has discussed **with the person** the potential
35 [medical] risks and benefits [of] **associated with** the medical use of marijuana [with the applicant].

36 “**SECTION 90d.** ORS 475.328 is amended to read:

37 “475.328. (1) [No] **A** professional licensing board may **not** impose a civil penalty or take other
38 disciplinary action against a licensee based on the licensee’s medical use of marijuana [in accordance
39 with] **under** the provisions of ORS 475.300 to 475.346 or actions taken by the licensee [that are
40 necessary to carry out the licensee’s role as a designated primary caregiver to a person who possesses
41 a lawful registry identification card] **pursuant to the licensee’s designation as a primary**
42 **caregiver under ORS 475.312.**

43 “(2)(a) A licensed health care professional may administer medical marijuana to a person who
44 possesses a registry identification card and resides in a licensed health care facility if the adminis-
45 tration of pharmaceuticals is within the scope of practice of the licensed health care professional.

1 Administration of medical marijuana under this subsection may not take place in a public place as
2 defined in ORS 161.015 or in the presence of a person under 18 years of age. If the medical
3 marijuana administered under this subsection is smoked, adequate ventilation must be provided.

4 “(b) Nothing in this subsection requires:

5 “(A) A licensed health care professional to administer medical marijuana; or

6 “(B) A licensed health care facility to make accommodations for the administration of medical
7 marijuana.

8 “**SECTION 90e.** ORS 475.331 is amended to read:

9 “475.331. (1)(a) The Oregon Health Authority shall *[create]* **establish** and maintain a list of *[the*
10 *persons to whom the authority has issued registry identification cards, the names of any designated*
11 *primary caregivers, the names of persons responsible for a medical marijuana facility registered under*
12 *ORS 475.314, the addresses of authorized marijuana grow sites and the addresses of registered medical*
13 *marijuana facilities.]*:

14 “**(A) The names of persons to whom a registry identification card has been issued under**
15 **ORS 475.309;**

16 “**(B) The names of persons designated as primary caregivers under ORS 475.312; and**

17 “**(C) The addresses of marijuana grow sites registered under ORS 475.304.**

18 “**(b)** Except as provided in subsection (2) of this section, the list *[shall be]* **is confidential and**
19 **not subject to public disclosure under ORS 192.410 to 192.505.**

20 “[*b*] **(c)** The authority shall develop a system by which authorized employees of state and local
21 law enforcement agencies may verify *[at all times]* that:

22 “(A) A person *[is a lawful possessor of]* **lawfully possesses** a registry identification card;

23 “(B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
24 tion card; **or**

25 “(C) A location is *[an authorized]* **a registered** marijuana grow site[;].

26 “[*D*] A location is a registered medical marijuana facility; or]

27 “[*E*] A person is the person listed as the person responsible for a registered medical marijuana
28 facility.]

29 “(2) Names, **addresses** and other identifying information from the list established **and main-**
30 **tained** pursuant to subsection (1) of this section may be released to:

31 “(a) Authorized employees of the authority as necessary to perform official duties of the au-
32 thority.

33 “(b) Authorized employees of state or local law enforcement agencies[,] who provide to the au-
34 thority adequate identification, *[such as a badge number or similar authentication of authority,]* **but**
35 **only as necessary to verify that:**

36 “(A) A person *[is a lawful possessor of]* **lawfully possesses** a registry identification card;

37 “(B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
38 tion card; **or**

39 “(C) A location is *[an authorized]* **a registered** marijuana grow site[;].

40 “[*D*] A location is a registered medical marijuana facility; or]

41 “[*E*] A person is the person listed as the person responsible for a registered medical marijuana
42 facility.]

43 “(3) Authorized employees of state or local law enforcement agencies *[that]* **who** obtain identi-
44 fying information *[from the list]* as authorized *[under]* **by** this section may not release or use the
45 information for any purpose other than *[verification]* **to verify** that:

1 “(a) A person [*is a lawful possessor of*] **lawfully possesses** a registry identification card;

2 “(b) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
3 tion card; **or**

4 “(c) A location is [*an authorized*] **a registered** marijuana grow site[;].

5 “[*d*] A location is a registered medical marijuana facility; *or*]

6 “[*e*] A person is the person listed as the person responsible for a registered medical marijuana
7 facility.]

8 “(4) **In addition to releasing information to authorized employees of state or local law**
9 **enforcement agencies for purposes of verifying information under subsection (2)(b) of this**
10 **section, the authority may release to authorized employees of state or local law enforcement**
11 **agencies the minimum amount of information necessary to enable an employee to determine**
12 **whether an individual or location is in compliance with a provision of ORS 475.300 to 475.346**
13 **or a rule adopted under ORS 475.300 to 475.346.**

14 “(5) **If the authority determines, after conducting an investigation or receiving a com-**
15 **plaint of an alleged violation of a provision of ORS 475.300 to 475.346 or a rule adopted under**
16 **ORS 475.300 to 475.346, that a violation of a provision of ORS 475.300 to 475.346 or a rule**
17 **adopted under ORS 475.300 to 475.346 has occurred, the authority may provide information**
18 **obtained by the authority, except for information related to a registry identification**
19 **cardholder’s debilitating condition, to authorized employees of state or local law enforcement**
20 **agencies, or to another state or local government agency with jurisdiction over the matter.**

21 “**SECTION 90f.** ORS 475.334 is amended to read:

22 “475.334. Any person may [*submit a petition to*] **petition** the Oregon Health Authority
23 [*requesting*] **to request** that a [*particular*] disease or condition be included among the diseases and
24 conditions that qualify as debilitating medical conditions under ORS [*475.302*] **475.300 to 475.346.**
25 The authority shall adopt rules establishing [*the manner in which the authority will evaluate petitions*
26 *submitted under this section*] **the procedure for filing a petition under this section and the**
27 **manner by which the authority evaluates a request made under this section.** [*Any*] Rules
28 adopted [*pursuant to*] **under** this section [*shall*] **must** require the authority to approve or deny a
29 petition within 180 days of [*receipt of*] **receiving** the petition [*by the authority*]. Denial of a petition
30 [*shall be considered*] **is** a final [*authority*] **agency** action subject to judicial review.

31 “**SECTION 90g.** ORS 475.338 is amended to read:

32 “475.338. (1) The Oregon Health Authority shall adopt [*all*] rules necessary for the implementa-
33 tion, [*and*] administration **and enforcement** of ORS 475.300 to 475.346.

34 “(2) **The authority may adopt rules as the authority considers necessary to protect the**
35 **public health and safety.**

36 “**SECTION 90h.** ORS 475.340 is amended to read:

37 “475.340. Nothing in ORS 475.300 to 475.346 [*shall be construed to require*] **requires:**

38 “(1) A government medical assistance program or private health insurer to reimburse a person
39 for costs associated with the medical use of marijuana; *or*

40 “(2) An employer to accommodate the medical use of marijuana in [*any*] **the** workplace.

41 “**SECTION 90i.** ORS 475.342 is amended to read:

42 “475.342. [*Nothing in*] **The provisions of** ORS 475.300 to 475.346 [*shall protect*] **do not protect**
43 **a person from a criminal cause of action based on possession, [*production, or*] delivery **or manu-**
44 **facture** of marijuana that is not [*authorized by*] **described in** ORS 475.300 to 475.346.**

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“TESTING

“OPERATIVE JANUARY 1, 2016

“SECTION 91. As used in sections 91 to 99 of this 2015 Act:

“(1) ‘Cannabinoid’ means any of the chemical compounds that are the active constituents of marijuana.

“(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.

“(3) ‘Cannabinoid edible’ means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

“(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.

“(b) ‘Cannabinoid product’ does not include:

“(A) Usable marijuana by itself;

“(B) A cannabinoid concentrate or extract by itself; or

“(C) Industrial hemp, as defined in ORS 571.300.

“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

“(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS 571.300.

“(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid product or a cannabinoid concentrate or extract.

“(7) ‘Processing’ means the compounding or conversion of marijuana into cannabinoid products or cannabinoid concentrates or extracts.

“(8) ‘Producing’ means:

“(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

“(b) Drying marijuana leaves and flowers.

“(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of marijuana.

“(b) ‘Usable marijuana’ does not include:

“(A) The seeds, stalks and roots of marijuana; or

“(B) Waste material that is a by-product of producing or processing marijuana.

“SECTION 92. (1) As is necessary to protect the public health and safety, and in consultation with the Oregon Liquor Control Commission and the State Department of Agriculture, the Oregon Health Authority shall adopt rules:

“(a) Establishing standards for testing marijuana items.

“(b) Identifying appropriate tests for marijuana items, depending on the type of marijuana item and the manner in which the marijuana item was produced or processed, that are necessary to protect the public health and safety, including, but not limited to, tests for:

“(A) Microbiological contaminants;

“(B) Pesticides;

“(C) Other contaminants;

“(D) Solvents or residual solvents; and

“(E) Tetrahydrocannabinol and cannabidiol concentration.

“(c) Establishing procedures for determining batch sizes and for sampling usable

1 marijuana, cannabinoid products and cannabinoid concentrates or extracts.

2 “(d) Establishing different minimum standards for different varieties of usable marijuana
3 and different types of cannabinoid products and cannabinoid concentrates and extracts.

4 “(2) In addition to the testing requirements established under subsection (1) of this sec-
5 tion, the authority or the commission may require cannabinoid edibles to be tested in ac-
6 cordance with any applicable law of this state, or any applicable rule adopted under a law of
7 this state, related to the production and processing of food products or commodities.

8 “(3) In adopting rules under ORS 475.300 to 475.346, the authority may require:

9 “(a) A person responsible for a marijuana grow site under ORS 475.304 to test usable
10 marijuana before transferring the usable marijuana to a registrant other than an individual
11 who holds a registry identification card under ORS 475.309; and

12 “(b) A person processing marijuana to test cannabinoid products or cannabinoid concen-
13 trates or extracts before transferring the cannabinoid products or cannabinoid concentrates
14 or extracts to a registrant other than an individual who holds a registry identification card
15 under ORS 475.309.

16 “(4) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws 2015, the commis-
17 sion may require:

18 “(a) A marijuana producer that holds a license under section 19, chapter 1, Oregon Laws
19 2015, or a marijuana wholesaler that holds a license under section 21, chapter 1, Oregon Laws
20 2015, to test usable marijuana before selling or transferring the usable marijuana; and

21 “(b) A marijuana processor that holds a license under section 20, chapter 1, Oregon Laws
22 2015, or a marijuana wholesaler that holds a license under section 21, chapter 1, Oregon Laws
23 2015, to test cannabinoid products or cannabinoid concentrates or extracts before selling or
24 transferring the cannabinoid products or cannabinoid concentrates or extracts.

25 “(5) The authority and the commission may conduct random testing of marijuana items
26 for the purpose of determining whether a person subject to testing under subsection (3) of
27 this section or a licensee subject to testing under subsection (4) of this section is in compli-
28 ance with this section.

29 “(6) In adopting rules to implement this section, the authority and commission may not
30 require a marijuana item to undergo the same test more than once unless the marijuana
31 item is processed into a different type of marijuana item or the condition of the marijuana
32 item has fundamentally changed.

33 “(7) The testing of marijuana items as required by this section must be conducted by a
34 laboratory licensed by the commission under section 93 of this 2015 Act and accredited by
35 the authority under section 94 of this 2015 Act.

36 “(8) In adopting rules under subsection (1) of this section, the authority:

37 “(a) Shall consider the cost of a potential testing procedure and how that cost will affect
38 the cost to the ultimate consumer of the marijuana item; and

39 “(b) May not adopt rules that are more restrictive than is reasonably necessary to pro-
40 tect the public health and safety.

41 “SECTION 93. (1) A laboratory that conducts testing of marijuana items as required by
42 section 92 of this 2015 Act must have a license to operate at the premises at which the
43 marijuana items are tested.

44 “(2) For purposes of this section, the Oregon Liquor Control Commission shall adopt
45 rules establishing:

1 “(a) Qualifications to be licensed under this section, including that an applicant for
2 licensure under this section must be accredited by the authority as described in section 94
3 of this 2015 Act;

4 “(b) Processes for applying for and renewing a license under this section;

5 “(c) Fees for applying for, receiving and renewing a license under this section; and

6 “(d) Procedures for:

7 “(A) Tracking usable marijuana, cannabinoid products and cannabinoid concentrates or
8 extracts to be tested;

9 “(B) Documenting and reporting test results; and

10 “(C) Disposing of samples of usable marijuana, cannabinoid products and cannabinoid
11 concentrates or extracts that have been tested.

12 “(3) A license issued under this section must be renewed annually.

13 “(4) The commission may inspect premises licensed under this section to ensure compli-
14 ance with sections 91 to 99 of this 2015 Act and rules adopted under sections 91 to 99 of this
15 2015 Act.

16 “(5) Subject to the applicable provisions of ORS chapter 183, the commission may refuse
17 to issue or renew, or may suspend or revoke, a license issued under this section for violation
18 of:

19 “(a) A provision of sections 91 to 99 of this 2015 Act or a rule adopted under a provision
20 of sections 91 to 99 of this 2015 Act; or

21 “(b) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under
22 a provision of sections 3 to 70, chapter 1, Oregon Laws 2015.

23 “(6) Fees adopted under subsection (2)(c) of this section must be reasonably calculated
24 to pay the expenses incurred by the commission under sections 91 to 99 of this 2015 Act.

25 “(7) Fee moneys collected under this section shall be deposited in the Marijuana Control
26 and Regulation Fund established under section 32 of this 2015 Act and are continuously ap-
27 propriated to the commission for the purpose of carrying out the duties, functions and pow-
28 ers of the commission under sections 91 to 99 of this 2015 Act.

29 “SECTION 94. (1) A laboratory that conducts testing of marijuana items as required by
30 section 92 of this 2015 Act must be accredited under ORS 438.605 to 438.620 and meet other
31 qualifications as established by the Oregon Health Authority under this section.

32 “(2) In addition to other qualifications required pursuant to ORS 438.605 to 438.620, the
33 authority shall require an applicant for accreditation under ORS 438.605 to 438.620 for pur-
34 poses related to the testing of marijuana items to:

35 “(a) Complete an application;

36 “(b) Undergo an onsite inspection; and

37 “(c) Meet other applicable requirements, specifications and guidelines for testing
38 marijuana items, as determined to be appropriate by the authority by rule.

39 “(3) The authority may inspect premises licensed under section 93 of this 2015 Act to
40 ensure compliance with sections 91 to 99 of this 2015 Act and rules adopted under sections
41 91 to 99 of this 2015 Act.

42 “(4) Subject to the applicable provisions of ORS chapter 183, the authority may refuse to
43 issue or renew, or may suspend or revoke, a laboratory’s accreditation granted under this
44 section and ORS 438.605 to 438.620 for violation of:

45 “(a) A provision of sections 91 to 99 of this 2015 Act or a rule adopted under a provision

1 of sections 91 to 99 of this 2015 Act; or

2 “(b) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under
3 a provision of sections 3 to 70, chapter 1, Oregon Laws 2015.

4 “(5) In establishing fees under ORS 438.620 for laboratories that test marijuana items, the
5 authority shall establish fees that are reasonably calculated to pay the expenses incurred by
6 the authority under this section and ORS 438.605 to 439.620 in accrediting laboratories that
7 test marijuana items.

8 “SECTION 95. Sections 91 to 99 of this 2015 Act do not apply to:

9 “(1) A person responsible for a marijuana grow site under ORS 475.304 if the person is
10 transferring usable marijuana or an immature marijuana plant, as defined in section 5,
11 chapter 1, Oregon Laws 2015, to:

12 “(a) A person who holds a registry identification card under ORS 475.309 and who desig-
13 nated the person responsible for the marijuana grow site to grow marijuana for the person
14 who holds a registry identification card; or

15 “(b) A person who has been designated as the primary caregiver under ORS 475.312 of a
16 person who holds a registry identification card under ORS 475.309 and who designated the
17 person responsible for the marijuana grow site to grow marijuana for the person who holds
18 a registry identification card; or

19 “(2) A person who has been designated as the primary caregiver under ORS 475.312 of a
20 person who holds a registry identification card under ORS 475.309 if the person is trans-
21 ferring a marijuana item to the person who holds a registry identification card.

22 “SECTION 96. Subject to the applicable provisions of ORS chapter 183, if an applicant or
23 licensee violates a provision of sections 91 to 99 of this 2015 Act or a rule adopted under a
24 provision of sections 91 to 99 of this 2015 Act, the Oregon Liquor Control Commission may
25 refuse to issue or renew, or may suspend or revoke, a license issued under section 19, 20,
26 21 or 22, chapter 1, Oregon Laws 2015.

27 “SECTION 97. Subject to the applicable provisions of ORS chapter 183, if a person violates
28 a provision of sections 91 to 99 of this 2015 Act or a rule adopted under a provision of
29 sections 91 to 99 of this 2015 Act, the Oregon Health Authority may:

30 “(1) Refuse to register the person under ORS 475.300 to 475.346;

31 “(2) Suspend activities conducted by a registrant pursuant to ORS 475.300 to 475.346; or

32 “(3) Remove a registrant from a registry kept pursuant to ORS 475.300 to 475.346.

33 “SECTION 98. (1) In addition to any other liability or penalty provided by law, the Oregon
34 Health Authority may impose for each violation of a provision of sections 91 to 99 of this 2015
35 Act, or a rule adopted under a provision of sections 91 to 99 of this 2015 Act, a civil penalty
36 that does not exceed \$500 for each day that the violation occurs.

37 “(2) The authority shall impose civil penalties under this section in the manner provided
38 by ORS 183.745.

39 “(3) Moneys collected under this section shall be deposited in the Oregon Health Au-
40 thority Fund established under ORS 413.101 and are continuously appropriated to the au-
41 thority for the purpose of carrying out the duties, functions and powers of the authority
42 under sections 91 to 99 of this 2015 Act.

43 “SECTION 99. A person who holds a license under section 93 of this 2015 Act, and an
44 employee of or other person who performs work for a person who holds a license under
45 section 93 of this 2015 Act, are exempt from the criminal laws of this state for possession,

1 delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery
2 or manufacture of marijuana, or any other criminal offense in which possession, delivery or
3 manufacture of marijuana is an element, while performing activities related to testing as
4 described in sections 91 to 99 of this 2015 Act.

5
6 **“PACKAGING, LABELING AND DOSAGE**

7 **“OPERATIVE JANUARY 1, 2016**

8
9 **“SECTION 100. As used in sections 100 to 112 of this 2015 Act:**

10 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are the active constituents**
11 **of marijuana.**

12 **“(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by separating**
13 **cannabinoids from marijuana by a mechanical, chemical or other process.**

14 **“(3) ‘Cannabinoid edible’ means food or potable liquid into which a cannabinoid concen-**
15 **trate or extract or the dried leaves or flowers of marijuana have been incorporated.**

16 **“(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other product intended**
17 **for human consumption or use, including a product intended to be applied to a person’s skin**
18 **or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.**

19 **“(b) ‘Cannabinoid product’ does not include:**

20 **“(A) Usable marijuana by itself;**

21 **“(B) A cannabinoid concentrate or extract by itself; or**

22 **“(C) Industrial hemp, as defined in ORS 571.300.**

23 **“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part of the plant**
24 **Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.**

25 **“(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS 571.300.**

26 **“(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid product or a**
27 **cannabinoid concentrate or extract.**

28 **“(7) ‘Processing’ means the compounding or conversion of marijuana into cannabinoid**
29 **products or cannabinoid concentrates or extracts.**

30 **“(8) ‘Producing’ means:**

31 **“(a) Planting, cultivating, growing, trimming or harvesting marijuana; or**

32 **“(b) Drying marijuana leaves and flowers.**

33 **“(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of marijuana.**

34 **“(b) ‘Usable marijuana’ does not include:**

35 **“(A) The seeds, stalks and roots of marijuana; or**

36 **“(B) Waste material that is a by-product of producing or processing marijuana.**

37 **“SECTION 101. (1) As is necessary to protect the public health and safety, and in con-**
38 **sultation with the Oregon Liquor Control Commission and the State Department of Agricul-**
39 **ture, the Oregon Health Authority shall adopt rules establishing standards for the labeling**
40 **of marijuana items, including but not limited to:**

41 **“(a) Ensuring that usable marijuana, cannabinoid concentrates and extracts, cannabinoid**
42 **edibles and other cannabinoid products have labeling that communicates:**

43 **“(A) Health and safety warnings;**

44 **“(B) Activation time;**

45 **“(C) Results of tests conducted pursuant to sections 91 to 99 of this 2015 Act;**

1 “(D) Potency;

2 “(E) For cannabinoid products and cannabinoid concentrates and extracts, serving size

3 and the number of servings included in a cannabinoid product or cannabinoid concentrate

4 or extract package; and

5 “(F) Content of the marijuana item; and

6 “(b) Labeling that is in accordance with applicable state food labeling requirements for

7 the same type of food product or potable liquid when the food product or potable liquid does

8 not contain marijuana or cannabinoids.

9 “(2) In adopting rules under ORS 475.300 to 475.346, the authority shall require all usable

10 marijuana, cannabinoid products and cannabinoid concentrates and extracts transferred by

11 a medical marijuana dispensary registered under ORS 475.314 to be labeled in accordance

12 with subsection (1) of this section and rules adopted under subsection (1) of this section.

13 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws 2015, the commis-

14 sion shall require all usable marijuana, cannabinoid products and cannabinoid concentrates

15 and extracts sold or transferred by a marijuana retailer that holds a license under section

16 22, chapter 1, Oregon Laws 2015, to be labeled in accordance with subsection (1) of this sec-

17 tion and rules adopted under subsection (1) of this section.

18 “(4) In adopting rules under subsection (1) of this section, the authority:

19 “(a) May establish different labeling standards for different varieties of usable marijuana

20 and for different types of cannabinoid products and cannabinoid concentrates and extracts;

21 “(b) May establish different minimum labeling standards for persons registered under

22 ORS 475.300 to 475.346 and persons licensed under sections 3 to 70, chapter 1, Oregon Laws

23 2015;

24 “(c) Shall consider the cost of a potential requirement and how that cost will affect the

25 cost to the ultimate consumer of the marijuana item; and

26 “(d) May not adopt rules that are more restrictive than is reasonably necessary to pro-

27 tect the public health and safety.

28 “SECTION 102. (1) As used in this section:

29 “(a) ‘Licensee’ has the meaning given that term in section 5, chapter 1, Oregon Laws

30 2015.

31 “(b) ‘Registrant’ means a person registered under ORS 475.300 to 475.346.

32 “(2) The Oregon Liquor Control Commission may by rule require a licensee, and the

33 Oregon Health Authority may by rule require a registrant, to submit a label intended for use

34 on a marijuana item for preapproval by the commission before the licensee or registrant may

35 sell or transfer a marijuana item bearing the label. The commission shall determine whether

36 a label submitted under this section complies with section 101 of this 2015 Act and any rule

37 adopted under section 101 of this 2015 Act.

38 “(3) The commission may impose a fee for submitting a label for preapproval under this

39 section that is reasonably calculated to not exceed the cost of administering this section.

40 “SECTION 103. (1) As is necessary to protect the public health and safety, and in con-

41 sultation with the Oregon Health Authority and the State Department of Agriculture, the

42 Oregon Liquor Control Commission shall adopt rules establishing standards for the packag-

43 ing of marijuana items, including but not limited to:

44 “(a) Ensuring that usable marijuana, cannabinoid concentrates and extracts, cannabinoid

45 edibles and other cannabinoid products are:

1 “(A) Packaged in child-resistant safety packaging; and
2 “(B) Not marketed in a manner that:
3 “(i) Is untruthful or misleading;
4 “(ii) Is attractive to minors; or
5 “(iii) Otherwise creates a significant risk of harm to public health and safety; and
6 “(b) Ensuring that cannabinoid edibles and other cannabinoid products are not packaged
7 in a manner that is attractive to minors.
8 “(2) In adopting rules under ORS 475.300 to 475.346, the authority shall require all usable
9 marijuana, cannabinoid products and cannabinoid concentrates and extracts transferred by
10 a medical marijuana dispensary registered under ORS 475.314 to be packaged in accordance
11 with subsection (1) of this section and rules adopted under subsection (1) of this section.
12 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws 2015, the commis-
13 sion shall require all usable marijuana, cannabinoid products and cannabinoid concentrates
14 and extracts sold or transferred by a marijuana retailer that holds a license under section
15 22, chapter 1, Oregon Laws 2015, to be packaged in accordance with subsection (1) of this
16 section and rules adopted under subsection (1) of this section.
17 “(4) In adopting rules under subsection (1) of this section the commission:
18 “(a) May establish different packaging standards for different varieties of usable
19 marijuana and for different types of cannabinoid products and cannabinoid concentrates and
20 extracts;
21 “(b) May establish different minimum packaging standards for persons registered under
22 ORS 475.300 to 475.346 and persons licensed under sections 3 to 70, chapter 1, Oregon Laws
23 2015;
24 “(c) May consider the effect on the environment of requiring certain packaging;
25 “(d) Shall consider the cost of a potential requirement and how that cost will affect the
26 cost to the ultimate consumer of the marijuana item; and
27 “(e) May not adopt rules that are more restrictive than is reasonably necessary to pro-
28 tect the public health and safety.
29 “SECTION 104. (1) As used in this section:
30 “(a) ‘Licensee’ has the meaning given that term in section 5, chapter 1, Oregon Laws
31 2015.
32 “(b) ‘Registrant’ means a person registered under ORS 475.300 to 475.346.
33 “(2) The Oregon Liquor Control Commission may by rule require a licensee, and the
34 Oregon Health Authority may by rule require a registrant, to submit packaging intended for
35 a marijuana item for preapproval by the commission before the licensee or registrant may
36 sell or transfer a marijuana item packaged in the packaging. The commission shall determine
37 whether packaging submitted under this section complies with section 103 of this 2015 Act
38 and any rule adopted under section 103 of this 2015 Act.
39 “(3) The commission may impose a fee for submitting packaging for preapproval under
40 this section that is reasonably calculated to not exceed the cost of administering this section.
41 “SECTION 105. (1) The Oregon Health Authority shall adopt rules establishing:
42 “(a) The maximum concentration of tetrahydrocannabinol that is permitted in a single
43 serving of a cannabinoid product or cannabinoid concentrate or extract; and
44 “(b) The number of servings that are permitted in a cannabinoid product or cannabinoid
45 concentrate or extract package.

1 “(2) In adopting rules under ORS 475.300 to 475.346, the authority shall require all usable
2 marijuana, cannabinoid products and cannabinoid concentrates and extracts transferred by
3 a medical marijuana dispensary registered under ORS 475.314 to meet the concentration
4 standards adopted by rule pursuant to subsection (1) of this section.

5 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws 2015, the Oregon
6 Liquor Control Commission shall require all usable marijuana, cannabinoid products and
7 cannabinoid concentrates and extracts sold or transferred by a marijuana retailer that holds
8 a license under section 22, chapter 1, Oregon Laws 2015, to meet the concentration standards
9 adopted by rule pursuant to subsection (1) of this section.

10 “SECTION 106. Sections 100 to 112 of this 2015 Act do not apply to:

11 “(1) A person responsible for a marijuana grow site under ORS 475.304 if the person is
12 transferring usable marijuana or an immature marijuana plant, as defined in section 5,
13 chapter 1, Oregon Laws 2015, to:

14 “(a) A person who holds a registry identification card under ORS 475.309 and who desig-
15 nated the person responsible for the marijuana grow site to grow marijuana for the person
16 who holds a registry identification card; or

17 “(b) A person who has been designated as the primary caregiver under ORS 475.312 of a
18 person who holds a registry identification card under ORS 475.309, and who designated the
19 person responsible for the marijuana grow site to grow marijuana for the person who holds
20 a registry identification card; or

21 “(2) A person who has been designated as the primary caregiver under ORS 475.312 of a
22 person who holds a registry identification card under ORS 475.309 if the person is trans-
23 ferring a marijuana item to the person who holds a registry identification card.

24 “SECTION 107. To ensure compliance with sections 100 to 112 of this 2015 Act and any
25 rule adopted under sections 100 to 112 of this 2015 Act, the Oregon Health Authority may
26 inspect the premises of:

27 “(1) A medical marijuana dispensary registered under ORS 475.314; and

28 “(2) A person that processes marijuana to test cannabinoid products or cannabinoid
29 concentrates or extracts for the purpose of transferring the cannabinoid products or
30 cannabinoid concentrates or extracts to a medical marijuana dispensary registered under
31 ORS 475.314.

32 “SECTION 108. To ensure compliance with sections 100 to 112 of this 2015 Act and any
33 rule adopted under sections 100 to 112 of this 2015 Act, the Oregon Liquor Control Commis-
34 sion may inspect the premises of a person that holds a license under section 19, 20, 21 or 22,
35 chapter 1, Oregon Laws 2015.

36 “SECTION 109. Subject to the applicable provisions of ORS chapter 183, if a person vio-
37 lates a provision of sections 100 to 112 of this 2015 Act or a rule adopted under a provision
38 of sections 100 to 112 of this 2015 Act, the Oregon Health Authority may:

39 “(1) Refuse to register a person under ORS 475.300 to 475.346;

40 “(2) Suspend activities conducted by a registrant pursuant to ORS 475.300 to 475.346; or

41 “(3) Remove a registrant from a registry kept pursuant to ORS 475.300 to 475.346.

42 “SECTION 110. Subject to the applicable provisions of ORS chapter 183, if the applicant
43 or licensee violates a provision of sections 100 to 112 of this 2015 Act or a rule adopted under
44 a provision of sections 100 to 112 of this 2015 Act, the Oregon Liquor Control Commission
45 may refuse to issue or renew, or may suspend or revoke, a license issued under section 19,

1 20, 21 or 22, chapter 1, Oregon Laws 2015.

2 **“SECTION 111.** (1) In addition to any other liability or penalty provided by law, the
3 Oregon Health Authority may impose for each violation of a provision of sections 100 to 112
4 of this 2015 Act, or a rule adopted under a provision of sections 100 to 112 of this 2015 Act,
5 a civil penalty that does not exceed \$500 for each day that the violation occurs.

6 **“(2)** The authority shall impose civil penalties under this subsection in the manner pro-
7 vided by ORS 183.745.

8 **“(3)** Moneys collected under this section shall be deposited in the Oregon Health Au-
9 thority Fund established under ORS 413.101 and are continuously appropriated to the au-
10 thority for the purpose of carrying out the duties, functions and powers of the authority
11 under sections 100 to 112 of this 2015 Act.

12 **“SECTION 112.** The rules of the Oregon Health Authority adopted under ORS 475.314 (8)
13 as that statute was in effect before the operative date specified in section 178 of this 2015
14 Act continue in effect until superseded or repealed by rules of the authority or of the com-
15 mission adopted under sections 100 to 112 of this 2015 Act.

16
17 **“RESEARCH CERTIFICATE**
18 **“OPERATIVE NOVEMBER 15, 2015**

19
20 **“SECTION 113.** (1) The Oregon Liquor Control Commission, in consultation with the
21 Oregon Health Authority and the State Department of Agriculture, shall establish a program
22 for the purpose of identifying and certifying private and public researchers of cannabis.

23 **“(2)(a)** The authority shall assist the commission in identifying candidates for certifica-
24 tion under this section with respect to potential medical research.

25 **“(b)** The department shall assist the commission in identifying candidates for certifica-
26 tion under this section with respect to potential agricultural research.

27 **“(3)** Subject to subsection (4) of this section, the commission shall adopt by rule or order:

28 **“(a)** Qualifications for certification under this section;

29 **“(b)** The term of a certificate issued under this section;

30 **“(c)** Processes for applying for, receiving and renewing a certificate under this section;

31 **“(d)** Procedures for tracking marijuana, usable marijuana, cannabinoid products,
32 cannabinoid concentrates and cannabinoid extracts received by and disposed or otherwise
33 made use of by a person certified under this section; and

34 **“(e)** Procedures for disposing or otherwise making use of marijuana, usable marijuana,
35 cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

36 **“(4)** In establishing qualifications under subsection (3) of this section, the commission
37 shall consider the following:

38 **“(a)** A research applicant’s access to funding and the overall cost of the proposed re-
39 search;

40 **“(b)** The overall benefit of an applicant’s proposed research to this state’s cannabis in-
41 dustry or to public health and safety; and

42 **“(c)** Legal barriers to conducting the proposed research or legal risks associated with
43 conducting the proposed research.

44 **“(5)** A person certified under this section:

45 **“(a)** May receive marijuana, usable marijuana, cannabinoid products, cannabinoid con-

1 concentrates and cannabinoid extracts from a licensee or a registrant under ORS 475.300 to
2 475.346; and

3 “(b) May not sell or otherwise transfer marijuana, usable marijuana, cannabinoid pro-
4 ducts, cannabinoid concentrates or cannabinoid extracts to any other person, except as pro-
5 vided in rules adopted by the commission under subsection (3)(e) of this section.

6 “(6) Except as otherwise provided by the commission by rule, rules adopted by the com-
7 mission for the purpose of administering and enforcing sections 3 to 70, chapter 1, Oregon
8 Laws 2015, with respect to licensees and licensee representatives apply to persons certified
9 under this section and persons employed by or who otherwise perform work for persons
10 certified under this section.

11 “(7) A person who is certified under this section, and an employee of or other person who
12 performs work for a person certified under this section, is exempt from the criminal laws
13 of this state for possession, delivery or manufacture of marijuana, aiding and abetting an-
14 other in the possession, delivery and manufacture of marijuana, or any other criminal of-
15 fense in which possession, delivery or manufacture of marijuana is an element, while
16 performing activities related to conducting research as described in this section.

17
18 “CANNABINOID EDIBLES
19 “OPERATIVE JANUARY 1, 2016
20

21 “SECTION 114. (1) Notwithstanding the authority granted to the State Department of
22 Agriculture under ORS chapters 571, 618 and 633 and ORS 632.206 to 632.260, 632.275 to
23 632.290, 632.450 to 632.490, 632.516 to 632.625, 632.705 to 632.815, 632.835 to 632.850 and 632.900
24 to 632.985, the department may not exercise authority over marijuana items or a licensee,
25 except that ORS 618.121 to 618.161, 618.991, 618.995, 633.311 to 633.479, 633.992 and 633.994 apply
26 to marijuana items or to a licensee.

27 “(2) In exercising its authority under ORS chapter 616, the department may not:

28 “(a) Establish standards for marijuana as a food additive, as defined in ORS 616.205;

29 “(b) Consider marijuana to be an adulterant, unless the concentration of a cannabinoid
30 in a cannabinoid product, cannabinoid concentrate or cannabinoid extract exceeds acceptable
31 levels established by the Oregon Health Authority by rule; or

32 “(c) Apply ORS 616.256, 616.265, 616.270 or 616.275 to cannabinoid edibles or enforce ORS
33 616.256, 616.265, 616.270 or 616.275 with respect to cannabinoid edibles.

34 “SECTION 115. ORS 616.010 is amended to read:

35 “616.010. The duty of administration and enforcement of all regulatory legislation applying to:

36 “(1) The production, processing and distribution of all food products or commodities of agricul-
37 tural origin shall, in addition to such further legislation as shall specifically name the State De-
38 partment of Agriculture as the administering agency, be performed by the department to the
39 exclusion of any other department not so specifically named, **except as provided in section 114**
40 **of this 2015 Act.**

41 “(2) The sanitation of establishments where food or drink is consumed on the premises where
42 sold, or to sanitary practices used in such establishments, shall be performed by the Oregon Health
43 Authority.

44
45 “MEDICAL MARIJUANA GROW SITE OPT-IN

1
2
3 **“SECTION 116. (1) A person responsible for a marijuana grow site under ORS 475.304 may**
4 **apply for a license under section 19, chapter 1, Oregon Laws 2015, to produce marijuana at**
5 **the address of the marijuana grow site, provided that all individuals registered with the**
6 **Oregon Health Authority to produce marijuana at the address are listed on the application**
7 **submitted to the Oregon Liquor Control Commission under section 28, chapter 1, Oregon**
8 **Laws 2015.**

9 **“(2) Notwithstanding any other provision of sections 3 to 70, chapter 1, Oregon Laws 2015,**
10 **the commission may issue a license under section 19, chapter 1, Oregon Laws 2015, to a**
11 **person responsible for a marijuana grow site under ORS 475.304 if the person responsible for**
12 **the marijuana grow site:**

13 **“(a) Meets any criminal background check requirements established by the commission**
14 **by rule;**

15 **“(b) Agrees to be subject to the provisions of sections 3 to 70, chapter 1, Oregon Laws**
16 **2015, including section 59, chapter 1, Oregon Laws 2015, and section 34 of this 2015 Act, and**
17 **rules adopted under sections 3 to 70, chapter 1, Oregon Laws 2015, that apply to marijuana**
18 **producers; and**

19 **“(c) Submits proof, in a form and manner prescribed by the commission, of having ob-**
20 **tained the permission to apply for licensure under section 19, chapter 1, Oregon Laws 2015,**
21 **of each individual who holds a registry identification card issued under ORS 475.309 for whom**
22 **the person produces marijuana at the address of the marijuana grow site.**

23 **“(3) The commission by rule or order may waive the application of any rule adopted un-**
24 **der sections 3 to 70, chapter 1, Oregon Laws 2015, to a person responsible for a marijuana**
25 **grow site that holds a license under section 19, chapter 1, Oregon Laws 2015.**

26 **“(4) A person responsible for a marijuana grow site that holds a license under section 19,**
27 **chapter 1, Oregon Laws 2015:**

28 **“(a) May not possess more than the amount or number of marijuana plants permitted**
29 **pursuant to ORS 475.300 to 475.346;**

30 **“(b) Must allow each marijuana plant to be tracked using the system developed and**
31 **maintained under section 23 of this 2015 Act;**

32 **“(c) May sell immature marijuana plants and usable marijuana in excess of amounts**
33 **produced for individuals who hold a registry identification card issued under ORS 475.309 to**
34 **a person who holds a license under section 20, 21 or 22, chapter 1, Oregon Laws 2015, in ac-**
35 **cordance with rules adopted by the commission; and**

36 **“(d) May transfer marijuana and usable marijuana to other registrants under ORS 475.300**
37 **to 475.346 in accordance with rules adopted by the authority.**

38 **“(5) In a form and manner prescribed by the commission, a person responsible for a**
39 **marijuana grow site that holds a license under section 19, chapter 1, Oregon Laws 2015, may**
40 **surrender the person’s license. If the person surrenders the person’s license, the person is**
41 **no longer subject to the provisions of this section.**

42 **“(6) Notwithstanding ORS 475.331, the authority may provide information to the com-**
43 **mission as is necessary for the commission to determine whether a person responsible for**
44 **a marijuana grow site that holds a license under section 19, chapter 1, Oregon Laws 2015, is**
45 **in compliance with this section.**

1 “(7) This section does not prohibit or otherwise restrict the duties, functions and powers
2 of a person responsible for a marijuana grow site as set forth in ORS 475.300 to 475.346, ex-
3 cept that the person is not subject to any requirement related to the reporting or tracking
4 of mature marijuana plants and usable marijuana.

5
6 **“CANNABIS EDUCATION PROGRAM**
7 **“EFFECTIVE ON PASSAGE**
8

9 **“SECTION 117.** (1) As part of the comprehensive alcohol and drug abuse policy and im-
10 plementation plan described in ORS 336.222, the Oregon Health Authority, State Board of
11 Education and Alcohol and Drug Policy Commission shall collaborate on developing
12 marijuana abuse prevention curricula and public information programs for students, parents,
13 teachers, administrators and school board members.

14 “(2) In the manner provided by ORS 192.245, the authority shall report on the imple-
15 mentation of this section to the Legislative Assembly on or before February 1 of each odd-
16 numbered year.

17 **“SECTION 118.** Notwithstanding section 117 (2) of this 2015 Act, the Oregon Health Au-
18 thority shall first report on the implementation of section 117 of this 2015 Act and may make
19 recommendations for legislation, including recommendations related to the use of moneys
20 collected as a tax from businesses involved in marijuana operations, to the Legislative As-
21 sembly on or before February 1, 2016.

22
23 **“CRIMES**
24 **“EFFECTIVE ON PASSAGE**
25

26 **“SECTION 119.** ORS 475.858 is amended to read:

27 “475.858. (1) It is unlawful for any person to manufacture marijuana within 1,000 feet of the real
28 property comprising a public or private elementary, secondary or career school attended primarily
29 by minors.

30 “(2) Unlawful manufacture of marijuana within 1,000 feet of a school is a Class A felony.

31 **“(3) This section does not apply to:**

32 **“(a) A licensee or licensee representative, as those terms are defined in section 5, chap-**
33 **ter 1, Oregon Laws 2015, that is engaged in lawful activities; or**

34 **“(b) A person acting within the scope of and in compliance with section 6 (1), chapter 1,**
35 **Oregon Laws 2015.**

36 **“SECTION 120.** ORS 475.862 is amended to read:

37 “475.862. (1) It is unlawful for any person to deliver marijuana within 1,000 feet of the real
38 property comprising a public or private elementary, secondary or career school attended primarily
39 by minors.

40 “(2) Unlawful delivery of marijuana within 1,000 feet of a school is a Class A felony.

41 **“(3) This section does not apply to:**

42 **“(a) A licensee or licensee representative, as those terms are defined in section 5, chap-**
43 **ter 1, Oregon Laws 2015, that is engaged in lawful activities; or**

44 **“(b) A person acting within the scope of and in compliance with section 6 (1), chapter 1,**
45 **Oregon Laws 2015.**

1 “**SECTION 121.** ORS 475.856, as amended by section 77, chapter 1, Oregon Laws 2015, is
2 amended to read:

3 “475.856. (1) **As used in this section, ‘homegrown,’ ‘household,’ ‘license’ and ‘licensee**
4 **representative’ have the meanings given those terms in section 5, chapter 1, Oregon Laws**
5 **2015.**

6 “[(1)] (2) Except for licensees and licensee **representatives that are engaged in lawful ac-**
7 **tivities** [as defined in subsections (10) and (11) of section 5 of this Act], and except for a person acting
8 within the scope of and in compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [subsection
9 (1) of section 6 of this Act], it is unlawful for any person to manufacture marijuana.

10 “[(2)] (3) Unlawful manufacture of marijuana is a Class [B] **C felony.**

11 “[(3)] (4) Notwithstanding subsection [(2)] (3) of this section, unlawful manufacture of marijuana
12 is a Class B misdemeanor[,] if a person 21 years of age or older manufactures homegrown marijuana
13 at a household and the total number of homegrown marijuana plants at the household exceeds four
14 marijuana plants but does not exceed eight marijuana plants.

15 “[(4) As used in subsection (3) of this section, the terms ‘homegrown’ and ‘household’ have the
16 meanings given to them in section 5 of this Act.]

17 “**SECTION 122.** ORS 475.860, as amended by section 78, chapter 1, Oregon Laws 2015, is
18 amended to read:

19 “475.860. (1) Except for licensees and licensee representatives, **as those terms are defined in**
20 **section 5, chapter 1, Oregon Laws 2015, that are engaged in lawful activities** [as defined in
21 subsections (10) and (11) of section 5 of this Act], and except for a person acting within the scope of
22 and in compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [subsection (1) of section 6 of
23 this Act], it is unlawful for any person to deliver marijuana.

24 “(2) Unlawful delivery of marijuana is a[:] **Class A misdemeanor.**

25 “[(a) Class B felony if the delivery is for consideration.]

26 “[(b) Class C felony if the delivery is for no consideration.]

27 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a:

28 “(a) Class A [misdemeanor] **violation**, if the delivery is for no consideration and consists of less
29 than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family
30 Moraceae; or

31 “(b) Violation, if the delivery is for no consideration and consists of less than five grams of the
32 dried leaves, stems and flowers of the plant Cannabis family Moraceae. A violation under this par-
33 agraph is a specific fine violation. The presumptive fine for a violation under this paragraph is \$650.

34 “(4) Notwithstanding subsections (2) and (3) of this section, unlawful delivery of marijuana is
35 a[:] **Class C felony, if the delivery is to a person under 18 years of age and the defendant is**
36 **at least 21 years of age.**

37 “[(a) Class A felony, if the delivery is to a person under 18 years of age and the defendant is at
38 least 18 years of age and is at least three years older than the person to whom the marijuana is de-
39 livered; or]

40 “[(b) Class C misdemeanor, if the delivery:]

41 “[(A) Is for no consideration;]

42 “[(B) Consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis
43 family Moraceae;]

44 “[(C) Takes place in a public place, as defined in ORS 161.015, that is within 1,000 feet of the real
45 property comprising a public or private elementary, secondary or career school attended primarily by

1 minors; and]

2 “[(D) Is to a person who is 18 years of age or older.]

3 “**SECTION 123.** ORS 475.864, as amended by section 79, chapter 1, Oregon Laws 2015, is

4 amended to read:

5 “475.864. (1) As used in subsections (2) to (4) of this section:

6 “(a) ‘Marijuana’ means the leaves, stems[,] and flowers of the plant Cannabis family Moraceae.

7 “(b) ‘Marijuana product’ has the meaning given the term ‘marijuana’ in ORS 475.005 (16), but

8 does not include the leaves, stems and flowers of the plant Cannabis family Moraceae.

9 “(2) It is unlawful for any person under 21 years of age knowingly or intentionally to possess

10 marijuana or marijuana product.

11 “(3)(a) Unlawful possession of [four] **more than eight** avoirdupois ounces [or more] of marijuana

12 by a person under 21 years of age is a Class [C felony] **A misdemeanor**.

13 “(b) Unlawful possession of **more than** one avoirdupois ounce of marijuana [or more], but less

14 than [four] **eight** avoirdupois ounces, by a person under 21 years of age is a Class B misdemeanor.

15 “(c) Unlawful possession of [less than] one avoirdupois ounce **or less** of marijuana by a person

16 under 21 years of age is a specific fine violation. The presumptive fine for a violation under this

17 paragraph is \$650.

18 “(4)(a) Unlawful possession of [one-quarter avoirdupois ounce or more] **more than 16**

19 **avoirdupois ounces** of marijuana product **in a solid form or more than 72 ounces of marijuana**

20 **product in a liquid form** by a person under 21 years of age is a Class [C felony] **A**

21 **misdemeanor**.

22 “(b) Unlawful possession of [less than one-quarter avoirdupois ounce] **16 avoirdupois ounces or**

23 **less** of marijuana product **in a solid form or 72 ounces or less of marijuana product in a liquid**

24 **form** by a person under 21 years of age is a Class B misdemeanor.

25 “(5) As used in subsections (6) to (8) of this section, [the terms] ‘**cannabinoid concentrate,**’

26 ‘**cannabinoid extract,**’ ‘**cannabinoid product,**’ ‘licensee,’ ‘licensee representative,’ ‘marijuana,’

27 [‘marijuana extracts,’ ‘marijuana products,’] ‘marijuana retailer,’ ‘public place[,]’ and ‘usable

28 marijuana’ have the meanings given [to them] **those terms** in section 5, **chapter 1, Oregon Laws**

29 **2015 [of this Act]**.

30 “(6) Except for licensees and licensee representatives **acting in accordance with sections 3**

31 **to 70, chapter 1, Oregon Laws 2015, and any rule adopted under sections 3 to 70, chapter 1,**

32 **Oregon Laws 2015,** it is unlawful for any person 21 years of age or older knowingly or intentionally

33 to possess:

34 “(a) More than one ounce of usable marijuana in a public place.

35 “(b) More than eight ounces of usable marijuana.

36 “(c) More than [sixteen] **16** ounces of [marijuana] **cannabinoid** products in solid form **or**

37 **cannabinoid concentrates**.

38 “(d) More than [seventy-two] **72** ounces of [marijuana] **cannabinoid** products in liquid form.

39 “(e) More than one ounce of [marijuana extracts] **cannabinoid extracts**.

40 “(f) [Any marijuana extracts that were] **A cannabinoid extract that was** not purchased from a

41 [licensed] marijuana retailer **that holds a license under section 22, chapter 1, Oregon Laws**

42 **2015**.

43 “(7) A violation of [paragraphs (a) to (e) of] subsection (6)(a) **to (e)** of this section is a:

44 “(a) Class [C felony] **A misdemeanor**, if the amount possessed is more than four times the ap-

45 plicable maximum amount specified in subsection (6)(a) **to (e)** of this section;

1 “(b) Class B misdemeanor, if the amount possessed is more than two times, but not more than
2 four times, the applicable maximum amount specified in subsection (6)(a) to (e) of this section; or

3 “(c) Class B violation, if the amount possessed is not more than two times the applicable maxi-
4 mum amount specified in subsection (6)(a) to (e) of this section.

5 “(8) A violation of [paragraph (f) of] subsection (6)(f) of this section is a:

6 “(a) Class C felony, if the amount possessed is more than one-quarter ounce of [*such marijuana*
7 *extracts*] **the cannabinoid extract**; or

8 “(b) Class B misdemeanor, if the amount possessed is not more than one-quarter ounce of [*such*
9 *marijuana extracts*] **the cannabinoid extract**.

10 “**SECTION 124.** ORS 475.752, as amended by section 76, chapter 1, Oregon Laws 2015, is
11 amended to read:

12 “475.752. (1) Except for licensees and licensee representatives, **as those terms are defined in**
13 **section 5, chapter 1, Oregon Laws 2015, that are engaged in lawful activities** [*as defined in*
14 *subsections (10) and (11) of section 5 of this Act*], and except for a person acting within the scope of
15 and in compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1) of section 6 of*
16 *this Act*], and except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful
17 for any person to manufacture or deliver a controlled substance. Any person who violates this sub-
18 section with respect to:

19 “(a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise
20 provided in ORS 475.886 and 475.890.

21 “(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise
22 provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880, 475.882, 475.904 and 475.906.

23 “(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise
24 provided in ORS 475.904 and 475.906.

25 “(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

26 “(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

27 “(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any
28 person to create or deliver a counterfeit substance. Any person who violates this subsection with
29 respect to:

30 “(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

31 “(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

32 “(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

33 “(d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

34 “(e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

35 “(3) It is unlawful for any person knowingly or intentionally to possess a controlled substance,
36 other than marijuana, unless the substance was obtained directly from, or pursuant to a valid pre-
37 scription or order of, a practitioner while acting in the course of professional practice, or except
38 as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates
39 this subsection with respect to:

40 “(a) A controlled substance in Schedule I, is guilty of a Class B felony, except as otherwise
41 provided in ORS 475.894.

42 “(b) A controlled substance in Schedule II, is guilty of a Class C felony, except as otherwise
43 provided in ORS 475.864.

44 “(c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.

45 “(d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.

1 “(e) A controlled substance in Schedule V, is guilty of a violation.

2 “(4) In any prosecution under this section for manufacture, possession or delivery of that plant
3 of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is
4 being used or is intended for use:

5 “(a) In connection with the good faith practice of a religious belief;

6 “(b) As directly associated with a religious practice; and

7 “(c) In a manner that is not dangerous to the health of the user or others who are in the
8 proximity of the user.

9 “(5) The affirmative defense created in subsection (4) of this section is not available to any
10 person who has possessed or delivered the peyote while incarcerated in a correctional facility in this
11 state.

12 “(6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or
13 delivers a controlled substance in Schedule IV and who thereby causes death to another person is
14 guilty of a Class C felony.

15 “(b) For purposes of this subsection, causation is established when the controlled substance
16 plays a substantial role in the death of the other person.

17 “**SECTION 125.** ORS 161.705, as amended by section 2, chapter ___, Oregon Laws 2015 (Enrolled
18 Senate Bill 364), is amended to read:

19 “161.705. Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class
20 A misdemeanor and make disposition accordingly when:

21 “(1)(a) A person is convicted of any Class C felony; **or**

22 “[*(b) A person is convicted of a Class B felony pursuant to ORS 475.860 (2)(a); or*]

23 “[*(c) (b) A person convicted of a felony described in paragraph (a) [or (b)] of this subsection,*
24 *of possession or delivery of marijuana constituting a Class B felony, or of a Class A felony pursuant*
25 *to ORS 166.720, has successfully completed a sentence of probation; and*

26 “(2) The court, considering the nature and circumstances of the crime and the history and
27 character of the defendant, believes that it would be unduly harsh to sentence the defendant for a
28 felony.

29 “**SECTION 126.** ORS 475.900 is amended to read:

30 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or 475.906 shall be classified
31 as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

32 “(a) The violation constitutes delivery or manufacture of a controlled substance and involves
33 substantial quantities of a controlled substance. For purposes of this paragraph, the following
34 amounts constitute substantial quantities of the following controlled substances:

35 “(A) Five grams or more of a mixture or substance containing a detectable amount of heroin;

36 “(B) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;

37 “(C) Ten grams or more of a mixture or substance containing a detectable amount of metham-
38 phetamine, its salts, isomers or salts of its isomers;

39 “(D) Two hundred or more user units of a mixture or substance containing a detectable amount
40 of lysergic acid diethylamide;

41 “(E) Sixty grams or more of a mixture or substance containing a detectable amount of psilocybin
42 or psilocin; or

43 “(F) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-
44 taining a detectable amount of:

45 “(i) 3,4-methylenedioxyamphetamine;

1 “(ii) 3,4-methylenedioxyamphetamine; or
2 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.
3 “(b) The violation constitutes possession, delivery or manufacture of a controlled substance and
4 the possession, delivery or manufacture is a commercial drug offense. A possession, delivery or
5 manufacture is a commercial drug offense for purposes of this subsection if it is accompanied by at
6 least three of the following factors:
7 “(A) The delivery was of heroin, cocaine, methamphetamine, lysergic acid diethylamide,
8 psilocybin or psilocin and was for consideration;
9 “(B) The offender was in possession of \$300 or more in cash;
10 “(C) The offender was unlawfully in possession of a firearm or other weapon as described in ORS
11 166.270 (2), or the offender used, attempted to use or threatened to use a deadly or dangerous
12 weapon as defined in ORS 161.015, or the offender was in possession of a firearm or other deadly
13 or dangerous weapon as defined in ORS 161.015 for the purpose of using it in connection with a
14 controlled substance offense;
15 “(D) The offender was in possession of materials being used for the packaging of controlled
16 substances such as scales, wrapping or foil, other than the material being used to contain the sub-
17 stance that is the subject of the offense;
18 “(E) The offender was in possession of drug transaction records or customer lists;
19 “(F) The offender was in possession of stolen property;
20 “(G) Modification of structures by painting, wiring, plumbing or lighting to facilitate a con-
21 trolled substance offense;
22 “(H) The offender was in possession of manufacturing paraphernalia, including recipes, precu-
23 sor chemicals, laboratory equipment, lighting, ventilating or power generating equipment;
24 “(I) The offender was using public lands for the manufacture of controlled substances;
25 “(J) The offender had constructed fortifications or had taken security measures with the poten-
26 tial of injuring persons; or
27 “(K) The offender was in possession of controlled substances in an amount greater than:
28 “(i) Three grams or more of a mixture or substance containing a detectable amount of heroin;
29 “(ii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;
30 “(iii) Eight grams or more of a mixture or substance containing a detectable amount of meth-
31 amphetamine;
32 “(iv) Twenty or more user units of a mixture or substance containing a detectable amount of
33 lysergic acid diethylamide;
34 “(v) Ten grams or more of a mixture or substance containing a detectable amount of psilocybin
35 or psilocin; or
36 “(vi) Four grams or more or 20 or more pills, tablets or capsules of a mixture or substance
37 containing a detectable amount of:
38 “(I) 3,4-methylenedioxyamphetamine;
39 “(II) 3,4-methylenedioxyamphetamine; or
40 “(III) 3,4-methylenedioxy-N-ethylamphetamine.
41 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.862, 475.868, 475.872,
42 475.878, 475.882, 475.888, 475.892 or 475.904.
43 “(d) The violation constitutes manufacturing methamphetamine and the manufacturing consists
44 of:
45 “(A) A chemical reaction involving one or more precursor substances for the purpose of manu-

1 facturing methamphetamine; or

2 “(B) Grinding, soaking or otherwise breaking down a precursor substance for the purpose of
3 manufacturing methamphetamine.

4 “(e) The violation constitutes [*a violation of ORS 475.860 (4)(a) or*] a violation of ORS 475.906
5 (1) or (2) that is not described in ORS 475.907.

6 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 6 of
7 the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

8 “(a) The violation constitutes delivery of heroin, cocaine, methamphetamine or
9 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or
10 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

11 “(b) The violation constitutes possession of:

12 “(A) Five grams or more of a mixture or substance containing a detectable amount of heroin;

13 “(B) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;

14 “(C) Ten grams or more of a mixture or substance containing a detectable amount of metham-
15 phetamine;

16 “(D) Two hundred or more user units of a mixture or substance containing a detectable amount
17 of lysergic acid diethylamide;

18 “(E) Sixty grams or more of a mixture or substance containing a detectable amount of psilocybin
19 or psilocin; or

20 “(F) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-
21 taining a detectable amount of:

22 “(i) 3,4-methylenedioxyamphetamine;

23 “(ii) 3,4-methylenedioxymethamphetamine; or

24 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

25 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1)
26 or (2) of this section shall be classified as:

27 “(a) Crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Com-
28 mission if the violation involves delivery or manufacture of a controlled substance; or

29 “(b) Crime category 1 of the sentencing guidelines grid of the Oregon Criminal Justice Com-
30 mission if the violation involves possession of a controlled substance.

31 “(4) In order to prove a commercial drug offense, the state shall plead in the accusatory in-
32 strument sufficient factors of a commercial drug offense under subsections (1) and (2) of this section.
33 The state has the burden of proving each factor beyond a reasonable doubt.

34 “(5) As used in this section, ‘mixture or substance’ means any mixture or substance, whether
35 or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

36 “**SECTION 127.** ORS 475.904 is amended to read:

37 “475.904. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
38 lawful for any person to manufacture or deliver a schedule I, II or III controlled substance within
39 1,000 feet of the real property comprising a public or private elementary, secondary or career school
40 attended primarily by minors.

41 “(2) Unlawful manufacture or delivery of a controlled substance within 1,000 feet of a school is
42 a Class A felony[, *except as otherwise provided in ORS 475.860*].

43 “(3) **This section does not apply to:**

44 “(a) **A licensee or licensee representative, as those terms are defined in section 5, chap-**
45 **ter 1, Oregon Laws 2015, that is engaged in lawful activities; or**

1 “(b) A person acting within the scope of and in compliance with section 6 (1), chapter 1,
2 Oregon Laws 2015.

3 “SECTION 128. The amendments to statutes by sections 119 to 127 of this 2015 Act apply
4 to conduct occurring on or after the effective date of this 2015 Act.

5 “SECTION 129. When a person convicted of a marijuana offense based on conduct that
6 occurs before the effective date of this 2015 Act files a motion for a court order setting aside
7 the conviction pursuant to ORS 137.225, the court shall consider the offense to be classified
8 under ORS 161.535 or 161.555 as if the conduct occurred on or after the effective date of this
9 2015 Act, or if the offense is no longer a crime, the court shall consider the offense to be
10 classified as a Class C misdemeanor, when determining if the person is eligible for the order.

11
12 **“RETAIL DRUG OUTLETS**

13 **“EFFECTIVE ON PASSAGE**

14
15 “SECTION 130. Section 131 of this 2015 Act is added to and made a part of ORS chapter
16 689.

17 “SECTION 131. (1) The State Board of Pharmacy shall establish by rule instructions for
18 the disposal of marijuana left behind by individuals visiting retail drug outlets.

19 “(2) At a minimum, the instructions established under subsection (1) of this section
20 must:

21 “(a) Require an employee or supervisor of the retail drug outlet to notify law enforce-
22 ment upon discovering marijuana at the site; and

23 “(b) Include procedures for destroying the marijuana so that it can no longer be used for
24 human consumption.

25 “(3) A person acting under and in accordance with this section is exempt from the
26 criminal laws of this state for any criminal offense in which possession of marijuana is an
27 element.

28
29 **“TASK FORCE**

30 **“EFFECTIVE ON PASSAGE**

31
32 “SECTION 132. (1)(a) The Task Force on Cannabis Environmental Best Practices is es-
33 tablished, consisting of 13 members appointed as follows:

34 “(A) The President of the Senate shall appoint one member from among members of the
35 Senate;

36 “(B) The Senate Minority Leader shall appoint one member from among members of the
37 Senate;

38 “(C) The Speaker of the House shall appoint one members from among members of the
39 House of Representatives;

40 “(D) The House Minority Leader shall appoint one member from among members of the
41 House of Representatives; and

42 “(E) The Governor shall appoint nine representatives from among the following:

43 “(i) One individual who represents utilities;

44 “(ii) One individual who represents electricians;

45 “(iii) Two individuals who represent the cannabis industry;

1 “(iv) One individual who represents the State Department of Agriculture;

2 “(v) One individual who represents the Water Resources Department;

3 “(vi) One individual who represents the Public Utility Commission;

4 “(vii) One individual who represents the State Department of Energy; and

5 “(viii) One individual who the Energy Trust of Oregon.

6 “(b) In making appointments under paragraph (a) of this subsection, the President of the
7 Senate, the Senate Minority Leader, the Speaker of the House and the House Minority
8 Leader shall appoint, if available, members of the Senate and members of the House of
9 Representatives who served on the Joint Committee on Implementing Measure 91 during the
10 2015 regular session of the Legislative Assembly.

11 “(2) The task force shall study the use of electricity and water by, and the agricultural
12 practices associated with, the growing of cannabis by persons who hold a license under sec-
13 tion 19, chapter 1, Oregon Laws 2015, and by persons who are responsible for a marijuana
14 grow site under ORS 475.304. As part of the report submitted under subsection (9) of this
15 section, the task force shall include suggestions related to environmental best practices for
16 the propogating, producing and harvesting of cannabis.

17 “(3) A majority of the voting members of the task force constitutes a quorum for the
18 transaction of business.

19 “(4) Official action by the task force requires the approval of a majority of the voting
20 members of the task force.

21 “(5) The task force shall elect one of its members to serve as chairperson.

22 “(6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
23 ment to become immediately effective.

24 “(7) The task force shall meet at times and places specified by the call of the chairperson
25 or of a majority of the voting members of the task force.

26 “(8) The task force may adopt rules necessary for the operation of the task force.

27 “(9) The task force shall submit a report in the manner provided by ORS 192.245, and
28 may include recommendations for legislation, to an interim committee of the Legislative
29 Assembly related to the regulation of cannabis as appropriate no later than September 15,
30 2016.

31 “(10) The Oregon Liquor Control Commission shall provide staff support to the task
32 force.

33 “(11) Members of the task force who are not members of the Legislative Assembly are
34 not entitled to compensation, but may be reimbursed for actual and necessary travel and
35 other expenses incurred by them in the performance of their official duties in the manner
36 and amounts provided for in ORS 292.495. Claims for expenses incurred in performing func-
37 tions of the task force shall be paid out of funds appropriated to Oregon Liquor Control
38 Commission for purposes of the task force.

39 “(12) All agencies of state government, as defined in ORS 174.111, are directed to assist
40 the task force in the performance of its duties and, to the extent permitted by laws relating
41 to confidentiality, to furnish such information and advice as the members of the task force
42 consider necessary to perform their duties.

43
44 “LOCAL OPTION

45 “EFFECTIVE ON PASSAGE

1 **“SECTION 133. (1) As used in this section, ‘qualifying city or county’ means a county,**
2 **or a city located in a county, in which not less than 55 percent of votes cast in the county**
3 **during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chap-**
4 **ter 1, Oregon Laws 2015) were in opposition to the ballot measure.**

5 **“(2)(a) The governing body of a qualifying city or county may adopt ordinances that**
6 **prohibit the establishment of any one or more of the following in the area subject to the**
7 **jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county:**

8 **“(A) Marijuana processing sites registered under section 85 of this 2015 Act;**

9 **“(B) Medical marijuana dispensaries registered under ORS 475.314;**

10 **“(C) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;**

11 **“(D) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;**

12 **“(E) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;**

13 **“(F) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or**

14 **“(G) Any combination of the entities described in this subsection.**

15 **“(b) The governing body of a qualifying city or county may not adopt an ordinance under**
16 **this section later than 180 days after the effective date of this 2015 Act.**

17 **“(3) If the governing body of a qualifying city or county adopts an ordinance under this**
18 **section, the governing body must provide the text of the ordinance:**

19 **“(a) To the Oregon Health Authority, in a form and manner prescribed by the authority,**
20 **if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a**
21 **marijuana processing site registered under section 85 of this 2015 Act; or**

22 **“(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for**
23 **which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.**

24 **“(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the**
25 **authority shall discontinue registering those entities to which the prohibition applies.**

26 **“(b) Upon receiving notice of a prohibition under subsection (3) of this section, the com-**
27 **mission shall discontinue licensing those premises to which the prohibition applies.**

28 **“(5) Notwithstanding any other provisions of law, a qualifying city or county that adopts**
29 **an ordinance under this section may not impose a tax or fee on the production, processing**
30 **or sale of marijuana or any product into which marijuana has been incorporated.**

31 **“(6) Notwithstanding subsection (2) of this section, a medical marijuana dispensary is not**
32 **subject to an ordinance adopted under this section if the medical marijuana dispensary:**

33 **“(a) Is registered under ORS 475.314 on or before the date on which the governing body**
34 **adopts the ordinance; and**

35 **“(b) Has successfully completed a city or county land use application process.**

36 **“(7) Notwithstanding subsection (2) of this section, a marijuana processing site is not**
37 **subject to an ordinance adopted under this section if the marijuana processing site:**

38 **“(a) Is registered under section 85 of this 2015 Act on or before the date on which the**
39 **governing body adopts the ordinance; and**

40 **“(b) Has successfully completed a city or county land use application process.**

41 **“SECTION 134. (1) The governing body of a city or county may adopt ordinances to be**
42 **referred to the electors of the city or county as described in subsection (2) of this section**
43 **that prohibit or allow the establishment of any one or more of the following in the area**
44 **subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction**
45 **of the county:**

1 “(a) Marijuana processing sites registered under section 85 of this 2015 Act;
2 “(b) Medical marijuana dispensaries registered under ORS 475.314;
3 “(c) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;
4 “(d) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;
5 “(e) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;
6 “(f) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or
7 “(g) Any combination of the entities described in this subsection.
8 “(2) If the governing body of a city or county adopts an ordinance under this section, the
9 governing body shall submit the measure of the ordinance to the electors of the city or
10 county for approval at the next statewide general election.
11 “(3) If the governing body of a city or county adopts an ordinance under this section, the
12 governing body must provide the text of the ordinance:
13 “(a) To the Oregon Health Authority, in a form and manner prescribed by the authority,
14 if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a
15 marijuana processing site registered under section 85 of this 2015 Act; or
16 “(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for
17 which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.
18 “(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the
19 authority shall discontinue registering those entities to which the prohibition applies until
20 the date of the next statewide general election.
21 “(b) Upon receiving notice of a prohibition under subsection (3) of this section, the com-
22 mission shall discontinue licensing those premises to which the prohibition applies until the
23 date of the next statewide general election.
24 “(5) Notwithstanding any other provisions of law, a city or county that adopts an ordi-
25 nance under this section that prohibits the establishment of an entity described in subsection
26 (1) of this section may not impose a tax or fee on the production, processing or sale of
27 marijuana or any product into which marijuana has been incorporated.
28 “(6) Notwithstanding subsection (1) of this section, a medical marijuana dispensary is not
29 subject to an ordinance adopted under this section if the medical marijuana dispensary:
30 “(a) Is registered under ORS 475.314 on or before the date on which the governing body
31 adopts the ordinance; and
32 “(b) Has successfully completed a city or county land use application process.
33 “(7) Notwithstanding subsection (1) of this section, a marijuana processing site is not
34 subject to an ordinance adopted under this section if the marijuana processing site:
35 “(a) Is registered under section 85 of this 2015 Act on or before the date on which the
36 governing body adopts the ordinance; and
37 “(b) Has successfully completed a city or county land use application process.
38 “SECTION 135. (1) Notwithstanding sections 133 and 134 of this 2015 Act, a medical
39 marijuana dispensary is not subject to an ordinance adopted pursuant to section 133 or 134
40 of this 2015 Act if the medical marijuana dispensary:
41 “(a) Was registered under ORS 475.314, or has applied to be registered under ORS 475.314,
42 on or before July 1, 2015; and
43 “(b) Has successfully completed a city or county land use application process.
44 “(2) This section does not apply to a medical marijuana dispensary if the Oregon Health
45 Authority revokes the registration of the medical marijuana dispensary.

1 “(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
2 nances relating to airport security.

3 “**SECTION 138.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section
4 7, chapter 54, Oregon Laws 2012, section 4, chapter 67, Oregon Laws 2012, section 5, chapter 154,
5 Oregon Laws 2013, and section 9, chapter 180, Oregon Laws 2013, is amended to read:

6 “133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
7 otherwise:

8 “(1) ‘Arrest’ means to place a person under actual or constructive restraint or to take a person
9 into custody for the purpose of charging that person with an offense. A ‘stop’ as authorized under
10 ORS 131.605 to 131.625 is not an arrest.

11 “(2) ‘Federal officer’ means a special agent or law enforcement officer employed by a federal
12 agency who is empowered to effect an arrest with or without a warrant for violations of the United
13 States Code and who is authorized to carry firearms in the performance of duty.

14 “(3) ‘Peace officer’ means:

15 “(a) A member of the Oregon State Police;

16 “(b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
17 commissioned by a university under ORS 352.383 or 353.125;

18 “(c) An investigator of a district attorney’s office if the investigator is or has been certified as
19 a peace officer in this or any other state;

20 “(d) An investigator of the Criminal Justice Division of the Department of Justice of the State
21 of Oregon;

22 “(e) A humane special agent as defined in ORS 181.435;

23 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
24 471.775 (2); or

25 “(g) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647.

26 “(4) ‘Reserve officer’ means an officer or member of a law enforcement agency who is:

27 “(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
28 school district, mass transit district, county, county service district authorized to provide law
29 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,
30 the Oregon State Lottery Commission or the Governor or a member of the Department of State
31 Police;

32 “(b) Armed with a firearm; and

33 “(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
34 nances relating to airport security.

35 “**SECTION 139.** ORS 133.525 is amended to read:

36 “133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

37 “(1) ‘Judge’ means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
38 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
39 of a justice of the peace.

40 “(2) ‘Police officer’ means:

41 “(a) A member of the Oregon State Police;

42 “(b) A sheriff or municipal police officer, a police officer commissioned by a university under
43 ORS 352.383 or 353.125 or an authorized tribal police officer as defined in section 1, chapter 644,
44 Oregon Laws 2011;

45 “(c) An investigator of a district attorney’s office if the investigator is or has been certified as

1 a peace officer in this or any other state;

2 “(d) An investigator of the Criminal Justice Division of the Department of Justice;

3 “(e) A humane special agent as defined in ORS 181.435; or

4 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS

5 471.775 (2).

6 “**SECTION 140.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, section

7 9, chapter 54, Oregon Laws 2012, section 6, chapter 67, Oregon Laws 2012, and section 11, chapter

8 180, Oregon Laws 2013, is amended to read:

9 “133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

10 “(1) ‘Judge’ means any judge of the circuit court, the Court of Appeals, the Supreme Court, any

11 justice of the peace or municipal judge authorized to exercise the powers and perform the duties

12 of a justice of the peace.

13 “(2) ‘Police officer’ means:

14 “(a) A member of the Oregon State Police;

15 “(b) A sheriff or municipal police officer or a police officer commissioned by a university under

16 ORS 352.383 or 353.125;

17 “(c) An investigator of a district attorney’s office if the investigator is or has been certified as

18 a peace officer in this or any other state;

19 “(d) An investigator of the Criminal Justice Division of the Department of Justice;

20 “(e) A humane special agent as defined in ORS 181.435; or

21 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS

22 471.775 (2).

23 “**SECTION 141.** ORS 133.721 is amended to read:

24 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

25 “(1) ‘Aggrieved person’ means a person who was a party to any wire, electronic or oral com-

26 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was

27 directed and who alleges that the interception was unlawful.

28 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral communication, includes

29 any information concerning the identity of the parties to such communication or the existence,

30 substance, purport or meaning of that communication.

31 “(3) ‘Electronic communication’ means any transfer of signs, signals, writing, images, sounds,

32 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,

33 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

34 “(a) Any oral communication or any communication that is completely by wire; or

35 “(b) Any communication made through a tone-only paging device.

36 “(4) ‘Electronic, mechanical or other device’ means any device or apparatus that can be used

37 to intercept a wire, electronic or oral communication other than:

38 “(a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that

39 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its

40 business and that is being used by the subscriber or user in the ordinary course of its business or

41 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-

42 gative or law enforcement officer in the ordinary course of official duties; or

43 “(b) A hearing aid or similar device being used to correct subnormal hearing to not better than

44 normal.

45 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the contents of any wire,

1 electronic or oral communication through the use of any electronic, mechanical or other device.

2 “(6) ‘Investigative or law enforcement officer’ means:

3 “(a) An officer or other person employed to investigate or enforce the law by:

4 “(A) A county sheriff or municipal police department, or a police department established by a
5 university under ORS 352.383 or 353.125;

6 “(B) The Oregon State Police, the Department of Corrections, the Attorney General or a district
7 attorney; or

8 “(C) Law enforcement agencies of other states or the federal government;

9 “(b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;
10 or

11 “(c) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
12 471.775 (2).

13 “(7) ‘Oral communication’ means:

14 “(a) Any oral communication, other than a wire or electronic communication, uttered by a per-
15 son exhibiting an expectation that such communication is not subject to interception under circum-
16 stances justifying such expectation; or

17 “(b) An utterance by a person who is participating in a wire or electronic communication, if the
18 utterance is audible to another person who, at the time the wire or electronic communication oc-
19 curs, is in the immediate presence of the person participating in the communication.

20 “(8) ‘Telecommunications carrier’ means:

21 “(a) A telecommunications utility as defined in ORS 759.005; or

22 “(b) A cooperative corporation organized under ORS chapter 62 that provides telecommuni-
23 cations services.

24 “(9) ‘Telecommunications service’ has the meaning given that term in ORS 759.005.

25 “(10) ‘Wire communication’ means any communication made in whole or in part through the use
26 of facilities for the transmission of communications by the aid of wire, cable or other like connection
27 between the point of origin and the point of reception, whether furnished or operated by a public
28 utility or privately owned or leased.

29 “**SECTION 142.** ORS 133.721, as amended by section 70, chapter 644, Oregon Laws 2011, section
30 11, chapter 54, Oregon Laws 2012, and section 13, chapter 180, Oregon Laws 2013, is amended to
31 read:

32 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

33 “(1) ‘Aggrieved person’ means a person who was a party to any wire, electronic or oral com-
34 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was
35 directed and who alleges that the interception was unlawful.

36 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral communication, includes
37 any information concerning the identity of the parties to such communication or the existence,
38 substance, purport or meaning of that communication.

39 “(3) ‘Electronic communication’ means any transfer of signs, signals, writing, images, sounds,
40 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,
41 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

42 “(a) Any oral communication or any communication that is completely by wire; or

43 “(b) Any communication made through a tone-only paging device.

44 “(4) ‘Electronic, mechanical or other device’ means any device or apparatus that can be used
45 to intercept a wire, electronic or oral communication other than:

1 “(a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that
2 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its
3 business and that is being used by the subscriber or user in the ordinary course of its business or
4 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-
5 gative or law enforcement officer in the ordinary course of official duties; or

6 “(b) A hearing aid or similar device being used to correct subnormal hearing to not better than
7 normal.

8 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the contents of any wire,
9 electronic or oral communication through the use of any electronic, mechanical or other device.

10 “(6) ‘Investigative or law enforcement officer’ means:

11 “(a) An officer or other person employed to investigate or enforce the law by:

12 “(A) A county sheriff or municipal police department, or a police department established by a
13 university under ORS 352.383 or 353.125;

14 “(B) The Oregon State Police, the Department of Corrections, the Attorney General or a district
15 attorney; or

16 “(C) Law enforcement agencies of other states or the federal government; or

17 “(b) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
18 471.775 (2).

19 “(7) ‘Oral communication’ means:

20 “(a) Any oral communication, other than a wire or electronic communication, uttered by a per-
21 son exhibiting an expectation that such communication is not subject to interception under circum-
22 stances justifying such expectation; or

23 “(b) An utterance by a person who is participating in a wire or electronic communication, if the
24 utterance is audible to another person who, at the time the wire or electronic communication oc-
25 curs, is in the immediate presence of the person participating in the communication.

26 “(8) ‘Telecommunications carrier’ means:

27 “(a) A telecommunications utility as defined in ORS 759.005; or

28 “(b) A cooperative corporation organized under ORS chapter 62 that provides telecommuni-
29 cations services.

30 “(9) ‘Telecommunications service’ has the meaning given that term in ORS 759.005.

31 “(10) ‘Wire communication’ means any communication made in whole or in part through the use
32 of facilities for the transmission of communications by the aid of wire, cable or other like connection
33 between the point of origin and the point of reception, whether furnished or operated by a public
34 utility or privately owned or leased.

35 “**SECTION 143.** ORS 133.726 is amended to read:

36 “133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a
37 law enforcement officer is authorized to intercept an oral communication to which the officer or a
38 person under the direct supervision of the officer is a party, without obtaining an order for the in-
39 terception of a wire, electronic or oral communication under ORS 133.724.

40 “(2) For purposes of this section and ORS 133.736, a person is a party to an oral communication
41 if the oral communication is made in the person’s immediate presence and is audible to the person
42 regardless of whether the communication is specifically directed to the person.

43 “(3) An ex parte order for intercepting an oral communication in any county of this state under
44 this section may be issued by any judge as defined in ORS 133.525 upon written application made
45 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the

1 district attorney for the county in which the order is sought or upon the oath or affirmation of any
2 peace officer as defined in ORS 133.005. The application shall include:

3 “(a) The name of the applicant and the applicant’s authority to make the application;

4 “(b) A statement demonstrating that there is probable cause to believe that a person whose oral
5 communication is to be intercepted is engaged in committing, has committed or is about to commit
6 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
7 communication will yield evidence thereof; and

8 “(c) The identity of the person, if known, suspected of committing the crime and whose oral
9 communication is to be intercepted.

10 “(4) The judge may require the applicant to furnish further testimony or documentary evidence
11 in support of the application.

12 “(5) Upon examination of the application and evidence, the judge may enter an ex parte order,
13 as requested or as modified, authorizing or approving the interception of an oral communication
14 within the state if the judge determines on the basis of the facts submitted by the applicant that:

15 “(a) There is probable cause to believe that a person is engaged in committing, has committed
16 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

17 “(b) There is probable cause to believe that the oral communication to be obtained will contain
18 evidence concerning that crime.

19 “(6) An order authorizing or approving the interception of an oral communication under this
20 section must specify:

21 “(a) The identity of the person, if known, whose oral communication is to be intercepted;

22 “(b) A statement identifying the particular crime to which the oral communication is expected
23 to relate;

24 “(c) The agency authorized under the order to intercept the oral communication;

25 “(d) The name and office of the applicant and the signature and title of the issuing judge;

26 “(e) A period of time after which the order shall expire; and

27 “(f) A statement that the order authorizes only the interception of an oral communication to
28 which a law enforcement officer or a person under the direct supervision of a law enforcement of-
29 ficer is a party.

30 “(7) An order under ORS 133.724 or this section is not required when a law enforcement officer
31 intercepts an oral communication to which the officer or a person under the direct supervision of
32 the officer is a party if the oral communication is made by a person whom the officer has probable
33 cause to believe has committed, is engaged in committing or is about to commit:

34 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a
35 misdemeanor under ORS 167.007 or 167.008; or

36 “(b) Any other crime punishable as a felony if the circumstances at the time the oral communi-
37 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order
38 under ORS 133.724 or this section.

39 “(8) A law enforcement officer who intercepts an oral communication pursuant to this section
40 may not intentionally fail to record and preserve the oral communication in its entirety. A law
41 enforcement officer, or a person under the direct supervision of the officer, who is authorized under
42 this section to intercept an oral communication is not required to exclude from the interception an
43 oral communication made by a person for whom probable cause does not exist if the officer or the
44 person under the officer’s direct supervision is a party to the oral communication.

45 “(9) A law enforcement officer may not divulge the contents of an oral communication inter-

1 cepted under this section before a preliminary hearing or trial in which an oral communication is
2 going to be introduced as evidence against a person except:

3 “(a) To a superior officer or other official with whom the law enforcement officer is cooperating
4 in the enforcement of the criminal laws of this state or the United States;

5 “(b) To a magistrate;

6 “(c) In a presentation to a federal or state grand jury; or

7 “(d) In compliance with a court order.

8 “(10) A law enforcement officer may intercept an oral communication under this section only
9 when acting within the scope of the officer’s employment and as a part of assigned duties.

10 “(11) As used in this section, ‘law enforcement officer’ means:

11 “(a) An officer employed to enforce criminal laws by:

12 “(A) The United States, this state or a municipal government within this state;

13 “(B) A political subdivision, agency, department or bureau of the governments described in
14 subparagraph (A) of this paragraph; or

15 “(C) A police department established by a university under ORS 352.383 or 353.125;

16 “(b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;
17 or

18 “(c) A [*liquor enforcement inspector*] **regulatory specialist** as defined in ORS 471.001.

19 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.

20 “**SECTION 144.** ORS 133.726, as amended by section 71, chapter 644, Oregon Laws 2011, section
21 13, chapter 54, Oregon Laws 2012, and section 15, chapter 180, Oregon Laws 2013, is amended to
22 read:

23 “133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a
24 law enforcement officer is authorized to intercept an oral communication to which the officer or a
25 person under the direct supervision of the officer is a party, without obtaining an order for the in-
26 terception of a wire, electronic or oral communication under ORS 133.724.

27 “(2) For purposes of this section and ORS 133.736, a person is a party to an oral communication
28 if the oral communication is made in the person’s immediate presence and is audible to the person
29 regardless of whether the communication is specifically directed to the person.

30 “(3) An ex parte order for intercepting an oral communication in any county of this state under
31 this section may be issued by any judge as defined in ORS 133.525 upon written application made
32 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the
33 district attorney for the county in which the order is sought or upon the oath or affirmation of any
34 peace officer as defined in ORS 133.005. The application shall include:

35 “(a) The name of the applicant and the applicant’s authority to make the application;

36 “(b) A statement demonstrating that there is probable cause to believe that a person whose oral
37 communication is to be intercepted is engaged in committing, has committed or is about to commit
38 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
39 communication will yield evidence thereof; and

40 “(c) The identity of the person, if known, suspected of committing the crime and whose oral
41 communication is to be intercepted.

42 “(4) The judge may require the applicant to furnish further testimony or documentary evidence
43 in support of the application.

44 “(5) Upon examination of the application and evidence, the judge may enter an ex parte order,
45 as requested or as modified, authorizing or approving the interception of an oral communication

1 within the state if the judge determines on the basis of the facts submitted by the applicant that:

2 “(a) There is probable cause to believe that a person is engaged in committing, has committed
3 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

4 “(b) There is probable cause to believe that the oral communication to be obtained will contain
5 evidence concerning that crime.

6 “(6) An order authorizing or approving the interception of an oral communication under this
7 section must specify:

8 “(a) The identity of the person, if known, whose oral communication is to be intercepted;

9 “(b) A statement identifying the particular crime to which the oral communication is expected
10 to relate;

11 “(c) The agency authorized under the order to intercept the oral communication;

12 “(d) The name and office of the applicant and the signature and title of the issuing judge;

13 “(e) A period of time after which the order shall expire; and

14 “(f) A statement that the order authorizes only the interception of an oral communication to
15 which a law enforcement officer or a person under the direct supervision of a law enforcement of-
16 ficer is a party.

17 “(7) An order under ORS 133.724 or this section is not required when a law enforcement officer
18 intercepts an oral communication to which the officer or a person under the direct supervision of
19 the officer is a party if the oral communication is made by a person whom the officer has probable
20 cause to believe has committed, is engaged in committing or is about to commit:

21 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a
22 misdemeanor under ORS 167.007 or 167.008; or

23 “(b) Any other crime punishable as a felony if the circumstances at the time the oral communi-
24 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order
25 under ORS 133.724 or this section.

26 “(8) A law enforcement officer who intercepts an oral communication pursuant to this section
27 may not intentionally fail to record and preserve the oral communication in its entirety. A law
28 enforcement officer, or a person under the direct supervision of the officer, who is authorized under
29 this section to intercept an oral communication is not required to exclude from the interception an
30 oral communication made by a person for whom probable cause does not exist if the officer or the
31 person under the officer’s direct supervision is a party to the oral communication.

32 “(9) A law enforcement officer may not divulge the contents of an oral communication inter-
33 cepted under this section before a preliminary hearing or trial in which an oral communication is
34 going to be introduced as evidence against a person except:

35 “(a) To a superior officer or other official with whom the law enforcement officer is cooperating
36 in the enforcement of the criminal laws of this state or the United States;

37 “(b) To a magistrate;

38 “(c) In a presentation to a federal or state grand jury; or

39 “(d) In compliance with a court order.

40 “(10) A law enforcement officer may intercept an oral communication under this section only
41 when acting within the scope of the officer’s employment and as a part of assigned duties.

42 “(11) As used in this section, ‘law enforcement officer’ means:

43 “(a) An officer employed to enforce criminal laws by:

44 “(A) The United States, this state or a municipal government within this state;

45 “(B) A political subdivision, agency, department or bureau of the governments described in

1 subparagraph (A) of this paragraph; or
2 “(C) A police department established by a university under ORS 352.383 or 353.125; or
3 “(b) A [*liquor enforcement inspector*] **regulatory specialist** as defined in ORS 471.001.
4 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.
5 “**SECTION 145.** ORS 153.005 is amended to read:
6 “153.005. As used in this chapter:
7 “(1) ‘Enforcement officer’ means:
8 “(a) A member of the Oregon State Police.
9 “(b) A sheriff or deputy sheriff.
10 “(c) A city marshal or a member of the police of a city, municipal or quasi-municipal corpo-
11 ration.
12 “(d) A police officer commissioned by a university under ORS 352.383 or 353.125.
13 “(e) An investigator of a district attorney’s office if the investigator is or has been certified as
14 a peace officer in this or any other state.
15 “(f) An investigator of the Criminal Justice Division of the Department of Justice of the State
16 of Oregon.
17 “(g) A Port of Portland peace officer.
18 “(h) A humane special agent as defined in ORS 181.435.
19 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
20 471.775 (2).
21 “(j) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.
22 “(k) Any other person specifically authorized by law to issue citations for the commission of
23 violations.
24 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.
25 “(3) ‘Violation’ means an offense described in ORS 153.008.
26 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issuance of a citation that
27 charges a person with commission of a violation.
28 “**SECTION 146.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, section
29 15, chapter 54, Oregon Laws 2012, section 8, chapter 67, Oregon Laws 2012, and section 22, chapter
30 180, Oregon Laws 2013, is amended to read:
31 “153.005. As used in this chapter:
32 “(1) ‘Enforcement officer’ means:
33 “(a) A member of the Oregon State Police.
34 “(b) A sheriff or deputy sheriff.
35 “(c) A city marshal or a member of the police of a city, municipal or quasi-municipal corpo-
36 ration.
37 “(d) A police officer commissioned by a university under ORS 352.383 or 353.125.
38 “(e) An investigator of a district attorney’s office if the investigator is or has been certified as
39 a peace officer in this or any other state.
40 “(f) An investigator of the Criminal Justice Division of the Department of Justice of the State
41 of Oregon.
42 “(g) A Port of Portland peace officer.
43 “(h) A humane special agent as defined in ORS 181.435.
44 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
45 471.775 (2).

1 “(j) Any other person specifically authorized by law to issue citations for the commission of vi-
2 olations.

3 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.

4 “(3) ‘Violation’ means an offense described in ORS 153.008.

5 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issuance of a citation that
6 charges a person with commission of a violation.

7 “**SECTION 147.** ORS 161.015 is amended to read:

8 “161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context re-
9 quires otherwise:

10 “(1) ‘Dangerous weapon’ means any weapon, device, instrument, material or substance which
11 under the circumstances in which it is used, attempted to be used or threatened to be used, is
12 readily capable of causing death or serious physical injury.

13 “(2) ‘Deadly weapon’ means any instrument, article or substance specifically designed for and
14 presently capable of causing death or serious physical injury.

15 “(3) ‘Deadly physical force’ means physical force that under the circumstances in which it is
16 used is readily capable of causing death or serious physical injury.

17 “(4) ‘Peace officer’ means:

18 “(a) A member of the Oregon State Police;

19 “(b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
20 133.005, or a police officer commissioned by a university under ORS 352.383 or 353.125;

21 “(c) An investigator of the Criminal Justice Division of the Department of Justice or investi-
22 gator of a district attorney’s office;

23 “(d) A humane special agent as defined in ORS 181.435;

24 “(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
25 471.775 (2);

26 “(f) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;
27 and

28 “(g) Any other person designated by law as a peace officer.

29 “(5) ‘Person’ means a human being and, where appropriate, a public or private corporation, an
30 unincorporated association, a partnership, a government or a governmental instrumentality.

31 “(6) ‘Physical force’ includes, but is not limited to, the use of an electrical stun gun, tear gas
32 or mace.

33 “(7) ‘Physical injury’ means impairment of physical condition or substantial pain.

34 “(8) ‘Serious physical injury’ means physical injury which creates a substantial risk of death or
35 which causes serious and protracted disfigurement, protracted impairment of health or protracted
36 loss or impairment of the function of any bodily organ.

37 “(9) ‘Possess’ means to have physical possession or otherwise to exercise dominion or control
38 over property.

39 “(10) ‘Public place’ means a place to which the general public has access and includes, but is
40 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
41 rooms or apartments designed for actual residence, and highways, streets, schools, places of
42 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
43 tion.

44 “**SECTION 148.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, section
45 17, chapter 54, Oregon Laws 2012, section 10, chapter 67, Oregon Laws 2012, and section 24, chapter

1 180, Oregon Laws 2013, is amended to read:

2 “161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context re-
3 quires otherwise:

4 “(1) ‘Dangerous weapon’ means any weapon, device, instrument, material or substance which
5 under the circumstances in which it is used, attempted to be used or threatened to be used, is
6 readily capable of causing death or serious physical injury.

7 “(2) ‘Deadly weapon’ means any instrument, article or substance specifically designed for and
8 presently capable of causing death or serious physical injury.

9 “(3) ‘Deadly physical force’ means physical force that under the circumstances in which it is
10 used is readily capable of causing death or serious physical injury.

11 “(4) ‘Peace officer’ means:

12 “(a) A member of the Oregon State Police;

13 “(b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
14 133.005, or a police officer commissioned by a university under ORS 352.383 or 353.125;

15 “(c) An investigator of the Criminal Justice Division of the Department of Justice or investi-
16 gator of a district attorney’s office;

17 “(d) A humane special agent as defined in ORS 181.435;

18 “(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising authority described in ORS
19 471.775 (2); and

20 “(f) Any other person designated by law as a peace officer.

21 “(5) ‘Person’ means a human being and, where appropriate, a public or private corporation, an
22 unincorporated association, a partnership, a government or a governmental instrumentality.

23 “(6) ‘Physical force’ includes, but is not limited to, the use of an electrical stun gun, tear gas
24 or mace.

25 “(7) ‘Physical injury’ means impairment of physical condition or substantial pain.

26 “(8) ‘Serious physical injury’ means physical injury which creates a substantial risk of death or
27 which causes serious and protracted disfigurement, protracted impairment of health or protracted
28 loss or impairment of the function of any bodily organ.

29 “(9) ‘Possess’ means to have physical possession or otherwise to exercise dominion or control
30 over property.

31 “(10) ‘Public place’ means a place to which the general public has access and includes, but is
32 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
33 rooms or apartments designed for actual residence, and highways, streets, schools, places of
34 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
35 tion.

36 “**SECTION 149.** ORS 163.095 is amended to read:

37 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’ means murder as defined
38 in ORS 163.115 which is committed under, or accompanied by, any of the following circumstances:

39 “(1)(a) The defendant committed the murder pursuant to an agreement that the defendant re-
40 ceive money or other thing of value for committing the murder.

41 “(b) The defendant solicited another to commit the murder and paid or agreed to pay the person
42 money or other thing of value for committing the murder.

43 “(c) The defendant committed murder after having been convicted previously in any jurisdiction
44 of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115
45 or manslaughter in the first degree as defined in ORS 163.118.

1 “(d) There was more than one murder victim in the same criminal episode as defined in ORS
2 131.505.

3 “(e) The homicide occurred in the course of or as a result of intentional maiming or torture of
4 the victim.

5 “(f) The victim of the intentional homicide was a person under the age of 14 years.

6 “(2)(a) The victim was one of the following and the murder was related to the performance of
7 the victim’s official duties in the justice system:

8 “(A) A police officer as defined in ORS 181.610;

9 “(B) A correctional, parole and probation officer or other person charged with the duty of cus-
10 tody, control or supervision of convicted persons;

11 “(C) A member of the Oregon State Police;

12 “(D) A judicial officer as defined in ORS 1.210;

13 “(E) A juror or witness in a criminal proceeding;

14 “(F) An employee or officer of a court of justice;

15 “(G) A member of the State Board of Parole and Post-Prison Supervision; or

16 “(H) A [*liquor enforcement inspector*] **regulatory specialist**.

17 “(b) The defendant was confined in a state, county or municipal penal or correctional facility
18 or was otherwise in custody when the murder occurred.

19 “(c) The defendant committed murder by means of an explosive as defined in ORS 164.055.

20 “(d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed
21 the homicide under the circumstances set forth in ORS 163.115 (1)(b).

22 “(e) The murder was committed in an effort to conceal the commission of a crime, or to conceal
23 the identity of the perpetrator of a crime.

24 “(f) The murder was committed after the defendant had escaped from a state, county or munic-
25 ipal penal or correctional facility and before the defendant had been returned to the custody of the
26 facility.

27 “**SECTION 150.** ORS 165.805 is amended to read:

28 “165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

29 “(a) Being less than a certain, specified age, the person knowingly purports to be of any age
30 other than the true age of the person with the intent of securing a right, benefit or privilege which
31 by law is denied to persons under that certain, specified age; or

32 “(b) Being unmarried, the person knowingly represents that the person is married with the in-
33 tent of securing a right, benefit or privilege which by law is denied to unmarried persons.

34 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.

35 “(3) In addition to and not in lieu of any other penalty established by law, a person who, using
36 a driver permit or license or other identification issued by the Department of Transportation of this
37 state or its equivalent in another state, commits the crime of misrepresentation of age by a minor
38 in order to purchase or consume alcoholic liquor may be required to perform community service and
39 the court shall order that the person’s driving privileges and right to apply for driving privileges
40 be suspended for a period not to exceed one year. If a court has issued an order suspending driving
41 privileges under this section, the court, upon petition of the person, may withdraw the order at any
42 time the court deems appropriate. The court notification to the department under this subsection
43 may include a recommendation that the person be granted a hardship permit under ORS 807.240 if
44 the person is otherwise eligible for the permit.

45 “(4) The prohibitions of this section do not apply to any person acting under the direction of the

1 Oregon Liquor Control Commission or a [*liquor enforcement inspector*] **regulatory specialist** or un-
2 der the direction of state or local law enforcement agencies for the purpose of investigating possible
3 violations of laws prohibiting sales of alcoholic beverages to persons who are under a certain,
4 specified age.

5 “(5) The prohibitions of this section do not apply to a person under the age of 21 years who is
6 acting under the direction of a licensee for the purpose of investigating possible violations by em-
7 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the
8 age of 21 years.

9 “**SECTION 151.** ORS 166.070 is amended to read:

10 “166.070. (1) A person commits the crime of aggravated harassment if the person, knowing that
11 the other person is a:

12 “(a) Staff member, knowingly propels saliva, blood, urine, semen, feces or other dangerous sub-
13 stance at the staff member while the staff member is acting in the course of official duty or as a
14 result of the staff member’s official duties;

15 “(b) Public safety officer, knowingly propels blood, urine, semen or feces at the public safety
16 officer while the public safety officer is acting in the course of official duty or as a result of the
17 public safety officer’s official duties; or

18 “(c) Public safety officer, intentionally propels saliva at the public safety officer, and the saliva
19 comes into physical contact with the public safety officer, while the public safety officer is acting
20 in the course of official duty or as a result of the public safety officer’s official duties.

21 “(2) Aggravated harassment is a Class C felony. When a person is convicted of violating sub-
22 section (1)(a) of this section, in addition to any other sentence it may impose, the court shall impose
23 a term of incarceration in a state correctional facility.

24 “(3) As used in this section:

25 “(a) ‘Public safety officer’ means an emergency medical services provider as defined in ORS
26 682.025, a [*liquor enforcement inspector*] **regulatory specialist** as defined in ORS 471.001 or a fire
27 service professional, a parole and probation officer or a police officer as those terms are defined in
28 ORS 181.610.

29 “(b) ‘Staff member’ has the meaning given that term in ORS 163.165.

30 “**SECTION 152.** ORS 181.010, as amended by section 1, chapter 119, Oregon Laws 2014, is
31 amended to read:

32 “181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
33 otherwise:

34 “(1) ‘Criminal justice agency’ means:

35 “(a) The Governor;

36 “(b) Courts of criminal jurisdiction;

37 “(c) The Attorney General;

38 “(d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
39 of the office of public defense services and nonprofit public defender organizations established under
40 contract with the Public Defense Services Commission;

41 “(e) Law enforcement agencies;

42 “(f) The Department of Corrections;

43 “(g) The Oregon Youth Authority;

44 “(h) The State Board of Parole and Post-Prison Supervision;

45 “(i) The Department of Public Safety Standards and Training;

1 “(j) The enforcement division of the Oregon Liquor Control Commission **in performing duties**
2 **related to investigating and enforcing the criminal laws of this state that the commission is**
3 **charged to enforce;**

4 “(k) Regional information systems that share programs to track, identify and remove cross-
5 jurisdictional criminal and terrorist conspiracies; and

6 “(L) Any other state or local agency with law enforcement authority.

7 “(2) ‘Criminal offender information’ includes records and related data as to physical description
8 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
9 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
10 ing sentencing, confinement, parole and release.

11 “(3) ‘Department’ means the Department of State Police established under ORS 181.020.

12 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State Police appointed under
13 ORS 181.220.

14 “(5) ‘Designated agency’ means any state, county or municipal government agency where Oregon
15 criminal offender information is required to implement a federal or state statute, executive order
16 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
17 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
18 other demonstrated and legitimate needs when designated by order of the Governor.

19 “(6) ‘Disposition report’ means a form or process prescribed or furnished by the department,
20 containing a description of the ultimate action taken subsequent to an arrest.

21 “(7) ‘Law enforcement agency’ means:

22 “(a) County sheriffs, municipal police departments, police departments established by a univer-
23 sity under ORS 352.383 or 353.125 and State Police;

24 “(b) Other police officers of this state or another state, including humane special agents as de-
25 fined in ORS 181.435;

26 “(c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs
27 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and

28 “(d) Law enforcement agencies of the federal government.

29 “(8) ‘State police’ means the sworn members of the state police force appointed under ORS
30 181.250.

31 “(9) ‘Superintendent’ means the Superintendent of State Police appointed under ORS 181.200.

32 “**SECTION 153.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section
33 19, chapter 54, Oregon Laws 2012, section 12, chapter 67, Oregon Laws 2012, section 30, chapter 180,
34 Oregon Laws 2013, and section 2, chapter 119, Oregon Laws 2014, is amended to read:

35 “181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
36 otherwise:

37 “(1) ‘Criminal justice agency’ means:

38 “(a) The Governor;

39 “(b) Courts of criminal jurisdiction;

40 “(c) The Attorney General;

41 “(d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
42 of the office of public defense services and nonprofit public defender organizations established under
43 contract with the Public Defense Services Commission;

44 “(e) Law enforcement agencies;

45 “(f) The Department of Corrections;

1 “(g) The Oregon Youth Authority;

2 “(h) The State Board of Parole and Post-Prison Supervision;

3 “(i) The Department of Public Safety Standards and Training;

4 “(j) The enforcement division of the Oregon Liquor Control Commission **in performing duties**

5 **related to investigating and enforcing the criminal laws of this state that the commission is**

6 **charged to enforce;**

7 “(k) Regional information systems that share programs to track, identify and remove cross-

8 jurisdictional criminal and terrorist conspiracies; and

9 “(L) Any other state or local agency with law enforcement authority.

10 “(2) ‘Criminal offender information’ includes records and related data as to physical description

11 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders

12 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-

13 ing sentencing, confinement, parole and release.

14 “(3) ‘Department’ means the Department of State Police established under ORS 181.020.

15 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State Police appointed under

16 ORS 181.220.

17 “(5) ‘Designated agency’ means any state, county or municipal government agency where Oregon

18 criminal offender information is required to implement a federal or state statute, executive order

19 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-

20 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or

21 other demonstrated and legitimate needs when designated by order of the Governor.

22 “(6) ‘Disposition report’ means a form or process prescribed or furnished by the department,

23 containing a description of the ultimate action taken subsequent to an arrest.

24 “(7) ‘Law enforcement agency’ means:

25 “(a) County sheriffs, municipal police departments, police departments established by a univer-

26 sity under ORS 352.383 or 353.125 and State Police;

27 “(b) Other police officers of this state or another state, including humane special agents as de-

28 fined in ORS 181.435; and

29 “(c) Law enforcement agencies of the federal government.

30 “(8) ‘State police’ means the sworn members of the state police force appointed under ORS

31 181.250.

32 “(9) ‘Superintendent’ means the Superintendent of State Police appointed under ORS 181.200.

33 “**SECTION 154.** ORS 181.610 is amended to read:

34 “181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

35 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.

36 “(2) ‘Board’ means the Board on Public Safety Standards and Training appointed pursuant to

37 ORS 181.620.

38 “(3) ‘Certified reserve officer’ means a reserve officer who has been designated by a local law

39 enforcement unit, has received training necessary for certification and has met the minimum stan-

40 dards and training requirements established under ORS 181.640.

41 “(4) ‘Commissioned’ means being authorized to perform various acts or duties of a police officer

42 or certified reserve officer and acting under the supervision and responsibility of a county sheriff

43 or as otherwise provided by law.

44 “(5) ‘Corrections officer’ means an officer or member employed full-time by a law enforcement

45 unit who:

1 “(a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
2 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
3 detention other than a place used exclusively for incarceration or detention of juveniles; or

4 “(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
5 has supervisory or management authority for corrections officers described in paragraph (a) of this
6 subsection.

7 “(6) ‘Department’ means the Department of Public Safety Standards and Training.

8 “(7) ‘Director’ means the Director of the Department of Public Safety Standards and Training.

9 “(8) ‘Domestic violence’ means abuse between family or household members.

10 “(9) ‘Emergency medical dispatcher’ means a person who has responsibility to process requests
11 for medical assistance from the public or to dispatch medical care providers.

12 “(10) ‘Family or household members’ has the meaning given that term in ORS 107.705.

13 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an officer or a member
14 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
15 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
16 and heavy rescue services, search and rescue services or hazardous materials incident response.
17 ‘Fire service professional’ does not mean forest fire protection agency personnel.

18 “(12) ‘Law enforcement unit’ means:

19 “(a) A police force or organization of the state, a city, university that has established a police
20 department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county
21 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
22 ment as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police
23 officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the
24 Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the
25 Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad
26 the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the fol-
27 lowing:

28 “(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
29 to airport security;

30 “(B) The custody, control or supervision of individuals convicted of or arrested for a criminal
31 offense and confined to a place of incarceration or detention other than a place used exclusively for
32 incarceration or detention of juveniles; or

33 “(C) The control, supervision and reformation of adult offenders placed on parole or sentenced
34 to probation and investigation of adult offenders on parole or probation or being considered for
35 parole or probation;

36 “(b) A police force or organization of a private entity with a population of more than 1,000
37 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

38 “(c) A district attorney’s office;

39 “(d) The Oregon Liquor Control Commission with regard to [*liquor enforcement inspectors*] **reg-**
40 **ulatory specialists**; or

41 “(e) A humane investigation agency as defined in ORS 181.433.

42 “[*(13) ‘Liquor enforcement inspector’ has the meaning given that term in ORS 471.001.*]

43 “[*(14)*] **(13)** ‘Parole and probation officer’ means:

44 “(a) An officer who is employed full-time by the Department of Corrections, a county or a court
45 and who is charged with and performs the duty of:

1 “(A) Community protection by controlling, investigating, supervising and providing or making
2 referrals to reformative services for adult parolees or probationers or offenders on post-prison
3 supervision; or

4 “(B) Investigating adult offenders on parole or probation or being considered for parole or pro-
5 bation; or

6 “(b) An officer who:

7 “(A) Is certified and has been employed as a full-time parole and probation officer for more than
8 one year;

9 “(B) Is employed part-time by the Department of Corrections, a county or a court; and

10 “(C) Is charged with and performs the duty of:

11 “(i) Community protection by controlling, investigating, supervising and providing or making
12 referrals to reformative services for adult parolees or probationers or offenders on post-prison
13 supervision; or

14 “(ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
15 bation.

16 “[15] (14) ‘Police officer’ means:

17 “(a) An officer, member or employee of a law enforcement unit employed full-time as a peace
18 officer who is:

19 “(A) Commissioned by a city, port, school district, mass transit district, county, county service
20 district authorized to provide law enforcement services under ORS 451.010, tribal government as
21 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
22 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
23 department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

24 “(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
25 airport security;

26 “(b) An investigator of a district attorney’s office if the investigator is or has been certified as
27 a peace officer in this or another state;

28 “(c) A humane special agent commissioned under ORS 181.433;

29 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647; or

30 “(e) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

31 “[16] (15) ‘Public or private safety agency’ means a unit of state or local government, a special
32 purpose district or a private firm that provides, or has authority to provide, fire fighting, police,
33 ambulance or emergency medical services.

34 “[17] (16) ‘Public safety personnel’ and ‘public safety officer’ include corrections officers, youth
35 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
36 certified reserve officers, telecommunicators, [*liquor enforcement inspectors*] **regulatory specialists**
37 and fire service professionals.

38 “(17) ‘Regulatory specialist’ has the meaning given that term in ORS 471.001.

39 “(18) ‘Reserve officer’ means an officer or member of a law enforcement unit who is:

40 “(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
41 school district, mass transit district, county, county service district authorized to provide law
42 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,
43 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State
44 Lottery Commission, a university that has established a police department under ORS 352.383 or
45 353.125, the Governor or the Department of State Police;

1 “(b) Armed with a firearm; and
2 “(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
3 nances relating to airport security.
4 “(19) ‘Telecommunicator’ means a person employed as an emergency telephone worker as de-
5 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
6 and transmitting public safety information received through a 9-1-1 emergency reporting system as
7 defined in ORS 403.105.
8 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth Authority who is
9 charged with and primarily performs the duty of custody, control or supervision of youth offenders
10 confined in a youth correction facility.
11 “**SECTION 155.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section
12 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, section 5, chapter 88,
13 Oregon Laws 2012, section 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws
14 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:
15 “181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:
16 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.
17 “(2) ‘Board’ means the Board on Public Safety Standards and Training appointed pursuant to
18 ORS 181.620.
19 “(3) ‘Certified reserve officer’ means a reserve officer who has been designated by a local law
20 enforcement unit, has received training necessary for certification and has met the minimum stan-
21 dards and training requirements established under ORS 181.640.
22 “(4) ‘Commissioned’ means being authorized to perform various acts or duties of a police officer
23 or certified reserve officer and acting under the supervision and responsibility of a county sheriff
24 or as otherwise provided by law.
25 “(5) ‘Corrections officer’ means an officer or member employed full-time by a law enforcement
26 unit who:
27 “(a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
28 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
29 detention other than a place used exclusively for incarceration or detention of juveniles; or
30 “(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
31 has supervisory or management authority for corrections officers described in paragraph (a) of this
32 subsection.
33 “(6) ‘Department’ means the Department of Public Safety Standards and Training.
34 “(7) ‘Director’ means the Director of the Department of Public Safety Standards and Training.
35 “(8) ‘Domestic violence’ means abuse between family or household members.
36 “(9) ‘Emergency medical dispatcher’ means a person who has responsibility to process requests
37 for medical assistance from the public or to dispatch medical care providers.
38 “(10) ‘Family or household members’ has the meaning given that term in ORS 107.705.
39 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an officer or a member
40 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
41 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
42 and heavy rescue services, search and rescue services or hazardous materials incident response.
43 ‘Fire service professional’ does not mean forest fire protection agency personnel.
44 “(12) ‘Law enforcement unit’ means:
45 “(a) A police force or organization of the state, a city, university that has established a police

1 department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county
2 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
3 ment, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the
4 Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial
5 Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance
6 or directive, is one or more of the following:

7 “(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
8 to airport security;

9 “(B) The custody, control or supervision of individuals convicted of or arrested for a criminal
10 offense and confined to a place of incarceration or detention other than a place used exclusively for
11 incarceration or detention of juveniles; or

12 “(C) The control, supervision and reformation of adult offenders placed on parole or sentenced
13 to probation and investigation of adult offenders on parole or probation or being considered for
14 parole or probation;

15 “(b) A police force or organization of a private entity with a population of more than 1,000
16 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

17 “(c) A district attorney’s office;

18 “(d) The Oregon Liquor Control Commission with regard to [*liquor enforcement inspectors*] **reg-**
19 **ulatory specialists**; or

20 “(e) A humane investigation agency as defined in ORS 181.433.

21 “[13] ‘*Liquor enforcement inspector*’ has the meaning given that term in ORS 471.001.]

22 “[14] (13) ‘Parole and probation officer’ means:

23 “(a) An officer who is employed full-time by the Department of Corrections, a county or a court
24 and who is charged with and performs the duty of:

25 “(A) Community protection by controlling, investigating, supervising and providing or making
26 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
27 supervision; or

28 “(B) Investigating adult offenders on parole or probation or being considered for parole or pro-
29 bation; or

30 “(b) An officer who:

31 “(A) Is certified and has been employed as a full-time parole and probation officer for more than
32 one year;

33 “(B) Is employed part-time by the Department of Corrections, a county or a court; and

34 “(C) Is charged with and performs the duty of:

35 “(i) Community protection by controlling, investigating, supervising and providing or making
36 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
37 supervision; or

38 “(ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
39 bation.

40 “[15] (14) ‘Police officer’ means:

41 “(a) An officer, member or employee of a law enforcement unit employed full-time as a peace
42 officer who is:

43 “(A) Commissioned by a city, port, school district, mass transit district, county, county service
44 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
45 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a

1 university that has established a police department under ORS 352.383 or 353.125, the Governor or
2 the Department of State Police; and

3 “(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
4 airport security;

5 “(b) An investigator of a district attorney’s office if the investigator is or has been certified as
6 a peace officer in this or another state;

7 “(c) A humane special agent commissioned under ORS 181.433; or

8 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647.

9 “[16] (15) ‘Public or private safety agency’ means a unit of state or local government, a special
10 purpose district or a private firm that provides, or has authority to provide, fire fighting, police,
11 ambulance or emergency medical services.

12 “[17] (16) ‘Public safety personnel’ and ‘public safety officer’ include corrections officers, youth
13 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
14 certified reserve officers, telecommunicators, [*liquor enforcement inspectors*] **regulatory specialists**
15 and fire service professionals.

16 “(17) ‘Regulatory specialist’ has the meaning given that term in ORS 471.001.

17 “(18) ‘Reserve officer’ means an officer or member of a law enforcement unit who is:

18 “(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
19 school district, mass transit district, county, county service district authorized to provide law
20 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the
21 Department of Justice, the Oregon State Lottery Commission, a university that has established a
22 police department under ORS 352.383 or 353.125, the Governor or the Department of State Police;

23 “(b) Armed with a firearm; and

24 “(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
25 nances relating to airport security.

26 “(19) ‘Telecommunicator’ means a person employed as an emergency telephone worker as de-
27 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
28 and transmitting public safety information received through a 9-1-1 emergency reporting system as
29 defined in ORS 403.105.

30 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth Authority who is
31 charged with and primarily performs the duty of custody, control or supervision of youth offenders
32 confined in a youth correction facility.

33 “**SECTION 156.** ORS 181.645 is amended to read:

34 “181.645. A law enforcement unit in this state may not employ as a police officer, corrections
35 officer, parole and probation officer or [*liquor enforcement inspector*] **regulatory specialist**, or utilize
36 as a certified reserve officer, any person who has not yet attained the age of 21 years.

37 “**SECTION 157.** ORS 181.646 is amended to read:

38 “181.646. (1) Except for a person who has requested and obtained an extension from the De-
39 partment of Public Safety Standards and Training under subsection (2) of this section, subject to
40 subsection (3) of this section the Oregon Liquor Control Commission may not employ a person as a
41 [*liquor enforcement inspector*] **regulatory specialist** for more than 18 months unless the person is a
42 citizen of the United States who has been certified under ORS 181.640 as being qualified as a [*liquor*
43 *enforcement inspector*] **regulatory specialist** and the certification has not:

44 “(a) Lapsed; or

45 “(b) Been revoked under ORS 181.661, 181.662 and 181.664 (1) and not reissued under ORS

1 181.661 (2).

2 “(2) The department, upon the facts contained in an affidavit accompanying the request for ex-
3 tension, may find good cause for failure to obtain certification within the time period described in
4 subsection (1) of this section. If the department finds that there is good cause for the failure, the
5 department may extend for up to one year the period that a person may serve as a [*liquor enforce-*
6 *ment inspector*] **regulatory specialist** without certification. The grant or denial of an extension is
7 within the sole discretion of the department.

8 “(3) The citizenship requirement in subsection (1) of this section does not apply to a person
9 employed as a [*liquor enforcement inspector*] **regulatory specialist** on March 16, 2012, who continues
10 to serve as a [*liquor enforcement inspector*] **regulatory specialist** without a lapse under subsection
11 (4) of this section.

12 “(4) The certification of a [*liquor enforcement inspector*] **regulatory specialist** shall lapse after
13 three or more consecutive months of not being employed as a [*liquor enforcement inspector*] **regula-**
14 **tory specialist** unless the [*liquor enforcement inspector*] **regulatory specialist** is on leave from the
15 commission. Upon reemployment as a [*liquor enforcement inspector*] **regulatory specialist**, the per-
16 son whose certification has lapsed may apply to be certified under ORS 181.610 to 181.712.

17 “(5) The commission shall pay the costs of training required for a [*liquor enforcement inspector*]
18 **regulatory specialist** to be certified by the department.

19 “**SECTION 158.** Section 32, chapter 54, Oregon Laws 2012, is amended to read:

20 “**Sec. 32.** (1) The Department of Public Safety Standards and Training shall make public safety
21 personnel certification under ORS 181.640 as [*liquor enforcement inspectors*] **regulatory specialists**
22 available for qualified applicants no later than July 1, 2015.

23 “(2) Notwithstanding [*section 21 of this 2012 Act*] **ORS 181.646** and the amendments to ORS
24 181.610 by sections 22 and 23, **chapter 54, Oregon Laws 2012** [*of this 2012 Act*], an inspector or
25 investigator employed by the Oregon Liquor Control Commission and not granted an extension un-
26 der [*section 21 of this 2012 Act*] **ORS 181.646** to obtain certification may perform the duties of a [*li-*
27 *quor enforcement inspector*] **regulatory specialist** without certification under ORS 181.640 until
28 January 1, 2017.

29 “(3) An employee of the Oregon Liquor Control Commission who takes voluntary training for
30 commission inspectors and investigators provided by the Department of Public Safety Standards and
31 Training prior to the date that [*liquor enforcement inspector*] **regulatory specialist** training is
32 available from the department is deemed to have met the minimum basic training requirements for
33 a [*liquor enforcement inspector*] **regulatory specialist** and is exempt from any minimum physical
34 standards for [*liquor enforcement inspectors*] **regulatory specialists** developed under [*section 21 of*
35 *this 2012 Act*] **ORS 181.646**.

36 “**SECTION 159.** ORS 238.005, as amended by section 2, chapter 107, Oregon Laws 2014, is
37 amended to read:

38 “238.005. For purposes of this chapter:

39 “(1) ‘Active member’ means a member who is presently employed by a participating public em-
40 ployer in a qualifying position and who has completed the six-month period of service required by
41 ORS 238.015.

42 “(2) ‘Annuity’ means payments for life derived from contributions made by a member as provided
43 in this chapter.

44 “(3) ‘Board’ means the Public Employees Retirement Board.

45 “(4) ‘Calendar year’ means 12 calendar months commencing on January 1 and ending on De-

1 cember 31 following.

2 “(5) ‘Continuous service’ means service not interrupted for more than five years, except that
3 such continuous service shall be computed without regard to interruptions in the case of:

4 “(a) An employee who had returned to the service of the employer as of January 1, 1945, and
5 who remained in that employment until having established membership in the Public Employees
6 Retirement System.

7 “(b) An employee who was in the armed services on January 1, 1945, and returned to the service
8 of the employer within one year of the date of being otherwise than dishonorably discharged and
9 remained in that employment until having established membership in the Public Employees Retirement
10 ment System.

11 “(6) ‘Creditable service’ means any period of time during which an active member is being paid
12 a salary by a participating public employer and for which benefits under this chapter are funded by
13 employer contributions and earnings on the fund. For purposes of computing years of ‘creditable
14 service,’ full months and major fractions of a month shall be considered to be one-twelfth of a year
15 and shall be added to all full years. ‘Creditable service’ includes all retirement credit received by
16 a member.

17 “(7) ‘Earliest service retirement age’ means the age attained by a member when the member
18 could first make application for retirement under the provisions of ORS 238.280.

19 “(8) ‘Employee’ includes, in addition to employees, public officers, but does not include:

20 “(a) Persons engaged as independent contractors.

21 “(b) Seasonal, emergency or casual workers whose periods of employment with any public em-
22 ployer or public employers do not total 600 hours in any calendar year.

23 “(c) Persons provided sheltered employment or made-work by a public employer in an employ-
24 ment or industries program maintained for the benefit of such persons.

25 “(d) Persons employed and paid from federal funds received under a federal program intended
26 primarily to alleviate unemployment. However, any such person shall be considered an ‘employee’
27 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects
28 to have the person so considered by an irrevocable written notice to the board.

29 “(e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-
30 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph
31 shall be deemed to have been in effect since the inception of the system.

32 “(9) ‘Final average salary’ means whichever of the following is greater:

33 “(a) The average salary per calendar year paid by one or more participating public employers
34 to an employee who is an active member of the system in three of the calendar years of membership
35 before the effective date of retirement of the employee, in which three years the employee was paid
36 the highest salary. The three calendar years in which the employee was paid the largest total salary
37 may include calendar years in which the employee was employed for less than a full calendar year.
38 If the number of calendar years of active membership before the effective date of retirement of the
39 employee is three or fewer, the final average salary for the employee is the average salary per cal-
40 endar year paid by one or more participating public employers to the employee in all of those years,
41 without regard to whether the employee was employed for the full calendar year.

42 “(b) One-third of the total salary paid by a participating public employer to an employee who
43 is an active member of the system in the last 36 calendar months of active membership before the
44 effective date of retirement of the employee.

45 “(10) ‘Firefighter’ does not include a volunteer firefighter, but does include:

1 “(a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals; and
2 “(b) An employee of the State Forestry Department who is certified by the State Forester as a
3 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
4 fires as described in ORS 477.064.

5 “(11) ‘Fiscal year’ means 12 calendar months commencing on July 1 and ending on June 30 fol-
6 lowing.

7 “(12) ‘Fund’ means the Public Employees Retirement Fund.

8 “(13) ‘Inactive member’ means a member who is not employed in a qualifying position, whose
9 membership has not been terminated in the manner described by ORS 238.095 and who is not retired
10 for service or disability.

11 “(14) ‘Institution of higher education’ means a public university listed in ORS 352.002, the
12 Oregon Health and Science University and a community college, as defined in ORS 341.005.

13 “(15) ‘Member’ means a person who has established membership in the system and whose mem-
14 bership has not been terminated as described in ORS 238.095. ‘Member’ includes active, inactive and
15 retired members.

16 “(16) ‘Member account’ means the regular account and the variable account.

17 “(17) ‘Normal retirement age’ means:

18 “(a) For a person who establishes membership in the system before January 1, 1996, as described
19 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter
20 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

21 “(b) For a person who establishes membership in the system on or after January 1, 1996, as de-
22 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or
23 firefighter or 60 years of age if the employee retires at that age as other than a police officer or
24 firefighter.

25 “(18) ‘Pension’ means annual payments for life derived from contributions by one or more public
26 employers.

27 “(19) ‘Police officer’ includes:

28 “(a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions
29 whose duties, as assigned by the Director of the Department of Corrections, include the custody of
30 persons committed to the custody of or transferred to the Department of Corrections and employees
31 of the Department of Corrections who were classified as police officers on or before July 27, 1989,
32 whether or not such classification was authorized by law.

33 “(b) Employees of the Department of State Police who are classified as police officers by the
34 Superintendent of State Police.

35 “(c) Employees of the Oregon Liquor Control Commission who are classified as [*liquor enforce-*
36 *ment inspectors*] **regulatory specialists** by the administrator of the commission.

37 “(d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified
38 by the sheriff, are the regular duties of police officers or corrections officers.

39 “(e) Police chiefs and police personnel of a city who are classified as police officers by the
40 council or other governing body of the city.

41 “(f) Police officers who are commissioned by a university under ORS 352.383 or 353.125 and who
42 are classified as police officers by the university.

43 “(g) Parole and probation officers employed by the Department of Corrections, parole and pro-
44 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
45 probation officers, as defined in ORS 181.610, who are classified as police officers for the purposes

1 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
2 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
3 ented by a labor organization, any proposal by the county to change that classification or to cease
4 to classify adult parole and probation officers as police officers for the purposes of this chapter is
5 a mandatory subject of bargaining.

6 “(h) Police officers appointed under ORS 276.021 or 276.023.

7 “(i) Employees of the Port of Portland who are classified as airport police by the Board of
8 Commissioners of the Port of Portland.

9 “(j) Employees of the State Department of Agriculture who are classified as livestock police of-
10 ficers by the Director of Agriculture.

11 “(k) Employees of the Department of Public Safety Standards and Training who are classified
12 by the department as other than secretarial or clerical personnel.

13 “(L) Investigators of the Criminal Justice Division of the Department of Justice.

14 “(m) Corrections officers as defined in ORS 181.610.

15 “(n) Employees of the Oregon State Lottery Commission who are classified by the Director of
16 the Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

17 “(o) The Director of the Department of Corrections.

18 “(p) An employee who for seven consecutive years has been classified as a police officer as de-
19 fined by this section, and who is employed or transferred by the Department of Corrections to fill
20 a position designated by the Director of the Department of Corrections as being eligible for police
21 officer status.

22 “(q) An employee of the Department of Corrections classified as a police officer on or prior to
23 July 27, 1989, whether or not that classification was authorized by law, as long as the employee
24 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-
25 tem implemented pursuant to ORS 240.190 does not affect police officer status.

26 “(r) Employees of a school district who are appointed and duly sworn members of a law
27 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as
28 police officers commissioned by the district.

29 “(s) Employees at youth correction facilities and juvenile detention facilities under ORS
30 419A.050, 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses
31 and who have supervisory, control or teaching responsibilities over juveniles committed to the cus-
32 tody of the Department of Corrections or the Oregon Youth Authority.

33 “(t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
34 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
35 in such facilities.

36 “(u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-
37 bation officers.

38 “(20) ‘Prior service credit’ means credit provided under ORS 238.442 or under ORS 238.225 (2)
39 to (6) (1999 Edition).

40 “(21) ‘Public employer’ means the state, one of its agencies, any city, county, or municipal or
41 public corporation, any political subdivision of the state or any instrumentality thereof, or an agency
42 created by one or more such governmental organizations to provide governmental services. For
43 purposes of this chapter, such agency created by one or more governmental organizations is a gov-
44 ernmental instrumentality and a legal entity with power to enter into contracts, hold property and
45 sue and be sued.

1 “(22) ‘Qualifying position’ means one or more jobs with one or more participating public em-
2 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding
3 any service in a job for which a participating public employer does not provide benefits under this
4 chapter pursuant to an application made under ORS 238.035.

5 “(23) ‘Regular account’ means the account established for each active and inactive member un-
6 der ORS 238.250.

7 “(24) ‘Retired member’ means a member who is retired for service or disability.

8 “(25) ‘Retirement credit’ means a period of time that is treated as creditable service for the
9 purposes of this chapter.

10 “(26)(a) ‘Salary’ means the remuneration paid an employee in cash out of the funds of a public
11 employer in return for services to the employer, plus the monetary value, as determined by the
12 Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and
13 other advantages the employer furnishes the employee in return for services.

14 “(b) ‘Salary’ includes but is not limited to:

15 “(A) Payments of employee and employer money into a deferred compensation plan, which are
16 deemed salary paid in each month of deferral;

17 “(B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary
18 paid in each month of participation;

19 “(C) Retroactive payments described in ORS 238.008; and

20 “(D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
21 652.190.

22 “(c) ‘Salary’ or ‘other advantages’ does not include:

23 “(A) Travel or any other expenses incidental to employer’s business which is reimbursed by the
24 employer;

25 “(B) Payments for insurance coverage by an employer on behalf of employee or employee and
26 dependents, for which the employee has no cash option;

27 “(C) Payments made on account of an employee’s death;

28 “(D) Any lump sum payment for accumulated unused sick leave;

29 “(E) Any accelerated payment of an employment contract for a future period or an advance
30 against future wages;

31 “(F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
32 gratuitous payment;

33 “(G) Payments for periods of leave of absence after the date the employer and employee have
34 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for
35 sick leave and vacation;

36 “(H) Payments for instructional services rendered to public universities listed in ORS 352.002
37 or the Oregon Health and Science University when such services are in excess of full-time employ-
38 ment subject to this chapter. A person employed under a contract for less than 12 months is subject
39 to this subparagraph only for the months to which the contract pertains; or

40 “(I) Payments made by an employer for insurance coverage provided to a domestic partner of
41 an employee.

42 “(27) ‘School year’ means the period beginning July 1 and ending June 30 next following.

43 “(28) ‘System’ means the Public Employees Retirement System.

44 “(29) ‘Variable account’ means the account established for a member who participates in the
45 Variable Annuity Account under ORS 238.260.

1 “(30) ‘Vested’ means being an active member of the system in each of five calendar years.

2 “(31) ‘Volunteer firefighter’ means a firefighter whose position normally requires less than 600

3 hours of service per year.

4 “**SECTION 160.** ORS 471.001 is amended to read:

5 “471.001. As used in this chapter and ORS chapter 473:

6 “(1) ‘Alcoholic beverage’ and ‘alcoholic liquor’ mean any liquid or solid containing more than

7 one-half of one percent alcohol by volume and capable of being consumed by a human being.

8 “(2) ‘Commercial establishment’ means a place of business:

9 “(a) Where food is cooked and served;

10 “(b) That has kitchen facilities adequate for the preparation and serving of meals;

11 “(c) That has dining facilities adequate for the serving and consumption of meals; and

12 “(d) That:

13 “(A) If not a for-profit private club, serves meals to the general public; or

14 “(B) If a for-profit private club, serves meals to the club’s members and guests and complies with

15 any minimum membership and food service requirements established by Oregon Liquor Control

16 Commission rules.

17 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

18 “(4) ‘Distilled liquor’ means any alcoholic beverage other than a wine, cider or malt beverage.

19 ‘Distilled liquor’ includes distilled spirits.

20 “(5) ‘Licensee’ means any person holding a license issued under this chapter.

21 “[6] *‘Liquor enforcement inspector’ means a full-time employee of the commission who is author-*

22 *ized to act as an agent of the commission in conducting inspections or investigations, making arrests*

23 *and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforc-*

24 *ing this chapter, ORS 474.005 to 474.095 and 474.115, commission rules and any other statutes the*

25 *commission considers related to alcoholic liquor.]*

26 “[7(a)] **(6)(a)** ‘Malt beverage’ means an alcoholic beverage obtained by the fermentation of

27 grain that contains not more than 14 percent alcohol by volume.

28 “(b) ‘Malt beverage’ includes:

29 “(A) Beer, ale, porter, stout and similar alcoholic beverages containing not more than 14 percent

30 alcohol by volume;

31 “(B) Malt beverages containing six percent or less alcohol by volume and that contain at least

32 51 percent alcohol by volume obtained by the fermentation of grain, as long as not more than 49

33 percent of the beverage’s overall alcohol content is obtained from flavors and other added

34 nonbeverage ingredients containing alcohol; and

35 “(C) Malt beverages containing more than six percent alcohol by volume that derive not more

36 than 1.5 percent of the beverage’s overall alcohol content by volume from flavors and other added

37 nonbeverage ingredients containing alcohol.

38 “(c) ‘Malt beverage’ does not include cider or an alcoholic beverage obtained primarily by

39 fermentation of rice, such as sake.

40 “[8] **(7)** ‘Manufacturer’ means every person who produces, brews, ferments, manufactures or

41 blends an alcoholic beverage within this state or who imports or causes to be imported into this

42 state an alcoholic beverage for sale or distribution within the state.

43 “[9] **(8)** ‘Permittee’ means a person holding a permit issued under ORS 471.360 to 471.390.

44 “[10] **(9)** ‘Premises’ or ‘licensed premises’ means a location licensed under this chapter and

45 includes all enclosed areas at the location that are used in the business operated at the location,

1 including offices, kitchens, rest rooms and storerooms, including all public and private areas where
2 patrons are permitted to be present. 'Premises' or 'licensed premises' includes areas outside of a
3 building that the commission has specifically designated as approved for alcoholic beverage service
4 or consumption.

5 “(10) **'Regulatory specialist'** means a full-time employee of the commission who is au-
6 **thorized to act as an agent of the commission in conducting inspections or investigations,**
7 **making arrests and seizures, aiding in prosecutions for offenses, issuing citations for vio-**
8 **lations and otherwise enforcing this chapter, ORS 474.005 to 474.095 and 474.115, commission**
9 **rules and any other statutes the commission considers related to regulating liquor or**
10 **marijuana.**

11 “(11) 'Wine' means any fermented vinous liquor or fruit juice, or other fermented beverage fit
12 for beverage purposes that is not a malt beverage, containing more than one-half of one percent of
13 alcohol by volume and not more than 21 percent of alcohol by volume. 'Wine' includes fortified wine.
14 'Wine' does not include cider.

15 “**SECTION 161.** ORS 471.360 is amended to read:

16 “471.360. (1) Except as otherwise provided in ORS 471.375:

17 “(a) Any person employed by a licensee of the Oregon Liquor Control Commission must have a
18 valid service permit issued by the commission if the person:

19 “(A) Participates in any manner in the mixing, selling or service of alcoholic liquor for con-
20 sumption on the premises where served or sold; or

21 “(B) Participates in the dispensing of malt beverages, wines or cider sold in securely covered
22 containers provided by the consumer.

23 “(b) A licensee of the commission may not permit any person who lacks a service permit re-
24 quired of the person under paragraph (a) of this subsection:

25 “(A) To mix, sell or serve any alcoholic liquor for consumption on licensed premises; or

26 “(B) To dispense malt beverages, wines or cider sold in securely covered containers provided
27 by the consumer.

28 “(c) A permittee shall make the service permit available at any time while on duty for immediate
29 inspection by any [*liquor enforcement inspector*] **regulatory specialist** or by any other peace officer.

30 “(2) The commission may waive the requirement for a service permit for an employee of a
31 licensee whose primary function is not the sale of alcoholic liquor or food, including but not limited
32 to public passenger carriers, hospitals, or convalescent, nursing or retirement homes.

33 “**SECTION 162.** ORS 471.375 is amended to read:

34 “471.375. (1) Any person who has not had a permit refused or revoked or whose permit is not
35 under suspension may mix, sell or serve alcoholic beverages as provided under subsection (4) of this
36 section if the person prepares in duplicate an application for a service permit prior to mixing, selling
37 or serving any alcoholic beverage for consumption on licensed premises and the application is
38 indorsed as required under subsection (2) of this section. A copy of the indorsed application must
39 be kept on the licensed premises by any licensee for whom the person mixes, sells or serves alco-
40 holic beverages and must be made available for immediate inspection by any [*liquor enforcement in-*
41 *spector*] **regulatory specialist** or by any other peace officer until the applicant receives the service
42 permit.

43 “(2) An application for a service permit under subsection (1) of this section must be indorsed
44 by one of the following persons:

45 “(a) The licensee under whose license the applicant will mix, sell or serve alcoholic beverages.

1 If a licensee indorses an application, the licensee must immediately transmit the application to the
2 commission with the fee required by subsection (3) of this section.

3 “(b) An officer or employee of a company that provides servers to licensees on a temporary ba-
4 sis. The commission must give a company written approval to indorse service permit applications
5 before an application may be indorsed under this paragraph.

6 “(c) An employee of the commission designated by the commission to accept and indorse appli-
7 cations under this section. The applicant must personally appear before the employee of the com-
8 mission and provide identification as may be required by commission rule.

9 “(d) An employee of an alcohol server education course provider that has been certified by the
10 commission under ORS 471.542 (8). The employee must be specifically designated by the provider to
11 indorse applications under this section.

12 “(3) An applicant for a service permit must be 18 years of age or over. Application for a service
13 permit shall be made on a form supplied by the commission. The applicant shall truly answer all
14 questions, provide any further information required, and pay a fee not to exceed \$10. The commis-
15 sion shall either set the fee to cover only the administrative costs of the service permit program,
16 or apply any excess to the Alcohol Education Program established under ORS 471.541.

17 “(4) An applicant for a service permit whose application has been indorsed as provided under
18 this section may:

19 “(a) Participate in the mixing, selling or service of alcoholic beverages for consumption on the
20 premises where served or sold; and

21 “(b) Participate in the dispensing of malt beverages, wine or cider sold in securely covered
22 containers provided by the consumer.

23 “**SECTION 163.** ORS 471.675 is amended to read:

24 “471.675. A person may not forcibly resist lawful arrest, or by physical contact recklessly in-
25 terfere with an investigation of any infringement of the Liquor Control Act or with any lawful
26 search or seizure being made by a peace officer or a [*liquor enforcement inspector*] **regulatory spe-**
27 **cialist** if the person knows or should know that the investigation, search or seizure is being per-
28 formed by a peace officer or [*liquor enforcement inspector*] **regulatory specialist**.

29 “**SECTION 164.** ORS 471.775 is amended to read:

30 “471.775. (1) The provisions of ORS 183.440 shall apply to subpoenas issued by each member of
31 the Oregon Liquor Control Commission or any of its authorized agents.

32 “(2) [*Liquor enforcement inspectors*] **Regulatory specialists** have authority as provided under
33 this chapter, ORS chapter 153, ORS 133.005 to 133.400, 133.450, 133.525 to 133.703, 133.721 to 133.739,
34 161.235, 161.239 and 161.245 and chapter 743, Oregon Laws 1971, to conduct inspections or investi-
35 gations, make arrests and seizures, aid in prosecutions for offenses, issue criminal citations and ci-
36 tations for violations and otherwise enforce this chapter, ORS 474.005 to 474.095 and 474.115,
37 commission rules and any other laws of this state that the commission considers related to alcoholic
38 liquor, including but not limited to laws regarding the manufacture, importation, transportation,
39 possession, distribution, sale or consumption of alcoholic beverages, the manufacture or use of false
40 identification or the entry of premises licensed to sell alcoholic liquor.

41 “**SECTION 165.** ORS 659A.320 is amended to read:

42 “659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
43 practice for an employer to obtain or use for employment purposes information contained in the
44 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-
45 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard

1 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
2 tion in the credit history of the applicant or employee.

3 “(2) Subsection (1) of this section does not apply to:

4 “(a) Employers that are federally insured banks or credit unions;

5 “(b) Employers that are required by state or federal law to use individual credit history for
6 employment purposes;

7 “(c) The application for employment or the employment of a public safety officer who will be
8 or who is:

9 “(A) A member of a law enforcement unit;

10 “(B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
11 trict, county, university under ORS 352.383 or 353.125, Indian reservation, the Superintendent of
12 State Police under ORS 181.433, the Criminal Justice Division of the Department of Justice, the
13 Oregon State Lottery Commission or the Governor or employed as a [*liquor enforcement inspector*]
14 **regulatory specialist** by the Oregon Liquor Control Commission; and

15 “(C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
16 airport security; or

17 “(d) The obtainment or use by an employer of information in the credit history of an applicant
18 or employee because the information is substantially job-related and the employer’s reasons for the
19 use of such information are disclosed to the employee or prospective employee in writing.

20 “(3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for
21 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
22 as provided by ORS 659A.885 (1) and (2).

23 “(4) As used in this section, ‘credit history’ means any written or other communication of any
24 information by a consumer reporting agency that bears on a consumer’s creditworthiness, credit
25 standing or credit capacity.

26 “**SECTION 166.** ORS 659A.885 is amended to read:

27 “659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
28 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
29 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
30 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
31 court may order back pay in an action under this subsection only for the two-year period imme-
32 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
33 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
34 year period immediately preceding the filing of the action. In any action under this subsection, the
35 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
36 cept as provided in subsection (3) of this section:

37 “(a) The judge shall determine the facts in an action under this subsection; and

38 “(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
39 review the judgment pursuant to the standard established by ORS 19.415 (3).

40 “(2) An action may be brought under subsection (1) of this section alleging a violation of ORS
41 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 476.574, 652.355, 653.060, 659A.030,
42 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,
43 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,
44 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315,
45 659A.318, 659A.320 or 659A.421 **or section 20b of this 2015 Act.**

1 “(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
2 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199,
3 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318 or 659A.421:

4 “(a) The court may award, in addition to the relief authorized under subsection (1) of this sec-
5 tion, compensatory damages or \$200, whichever is greater, and punitive damages;

6 “(b) At the request of any party, the action shall be tried to a jury;

7 “(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-
8 ment pursuant to the standard established by ORS 19.415 (1); and

9 “(d) Any attorney fee agreement shall be subject to approval by the court.

10 “(4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or
11 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section,
12 compensatory damages or \$200, whichever is greater.

13 “(5) In any action under subsection (1) of this section alleging a violation of ORS 171.120,
14 476.574, 659A.203 or 659A.218, the court may award, in addition to the relief authorized under sub-
15 section (1) of this section, compensatory damages or \$250, whichever is greater.

16 “(6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or
17 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section,
18 a civil penalty in the amount of \$720.

19 “(7) Any individual against whom any distinction, discrimination or restriction on account of
20 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual
21 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS
22 659A.400, by any employee or person acting on behalf of the place or by any person aiding or
23 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator
24 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor
25 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-
26 section:

27 “(a) The court may award, in addition to the relief authorized under subsection (1) of this sec-
28 tion, compensatory and punitive damages;

29 “(b) The operator or manager of the place of public accommodation, the employee or person
30 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
31 damages awarded in the action;

32 “(c) At the request of any party, the action shall be tried to a jury;

33 “(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

34 “(e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
35 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
36 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
37 and

38 “(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
39 judgment pursuant to the standard established by ORS 19.415 (1).

40 “(8) When the commissioner or the Attorney General has reasonable cause to believe that a
41 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
42 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
43 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
44 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
45 manner as a person or group of persons may file a civil action under this section. In a civil action

1 filed under this subsection, the court may assess against the respondent, in addition to the relief
2 authorized under subsections (1) and (3) of this section, a civil penalty:

3 “(a) In an amount not exceeding \$50,000 for a first violation; and

4 “(b) In an amount not exceeding \$100,000 for any subsequent violation.

5 “(9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
6 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
7 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
8 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
9 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
10 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
11 appealing an adverse decision of the trial court.

12 “(10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145
13 or 659A.421 or discrimination under federal housing law:

14 “(a) ‘Aggrieved person’ includes a person who believes that the person:

15 “(A) Has been injured by an unlawful practice or discriminatory housing practice; or

16 “(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
17 occur.

18 “(b) An aggrieved person in regard to issues to be determined in an action may intervene as of
19 right in the action. The Attorney General may intervene in the action if the Attorney General
20 certifies that the case is of general public importance. The court may allow an intervenor prevailing
21 party costs and reasonable attorney fees at trial and on appeal.

22 “**SECTION 167.** ORS 802.250 is amended to read:

23 “802.250. (1) An eligible public employee may request that any driver or vehicle record kept by
24 the Department of Transportation that contains or is required to contain the eligible employee’s
25 residence address contain instead the address of the public agency employing the eligible employee.
26 A request under this section shall:

27 “(a) Be in a form specified by the department that provides for verification of the eligible
28 employee’s employment.

29 “(b) Contain verification by the employing public agency of the eligible employee’s employment
30 with the public agency.

31 “(2) Upon receipt of a request and verification under subsection (1) of this section, the depart-
32 ment shall remove the eligible employee’s residence address from its records, if necessary, and sub-
33 stitute therefor the address of the public agency employing the eligible employee. The department
34 shall indicate on the records that the address shown is an employment address. While the request
35 is in effect, the eligible employee may enter the address of the public agency employing the eligible
36 employee on any driver or vehicle form issued by the department that requires an address.

37 “(3) A public agency that verifies an eligible employee’s employment under subsection (1) of this
38 section shall notify the department within 30 days if the eligible employee ceases to be employed
39 by the public agency. The eligible employee shall notify the department of a change of address as
40 provided in ORS 803.220 or 807.560.

41 “(4) If an eligible employee is killed in the line of duty, a person who is a household member
42 of the eligible employee may request that any driver or vehicle record kept by the department that
43 contains or is required to contain the household member’s residence address continue to contain the
44 address of the public agency that employed the eligible employee for up to four years after the date
45 of the death of the eligible employee. On or before the date on which the four-year period ends, the

1 household member shall notify the department of a change of address as provided in ORS 803.220
2 or 807.560. A request under this subsection shall be in a form specified by the department.

3 “(5) As used in this section, ‘eligible employee’ means:

4 “(a) A member of the State Board of Parole and Post-Prison Supervision.

5 “(b) The Director of the Department of Corrections and an employee of an institution defined
6 in ORS 421.005 as Department of Corrections institutions, whose duties, as assigned by the super-
7 intendent, include the custody of persons committed to the custody of or transferred to the institu-
8 tion.

9 “(c) A parole and probation officer employed by the Department of Corrections and an employee
10 of the Department of Corrections Release Center whose duties, as assigned by the Chief of the Re-
11 lease Center, include the custody of persons committed to the custody of or transferred to the Re-
12 lease Center.

13 “(d) A police officer appointed under ORS 276.021 or 276.023.

14 “(e) An employee of the State Department of Agriculture who is classified as a brand inspector
15 by the Director of Agriculture.

16 “(f) An investigator of the Criminal Justice Division of the Department of Justice.

17 “(g) A corrections officer as defined in ORS 181.610.

18 “(h) A federal officer. As used in this paragraph, ‘federal officer’ means a special agent or law
19 enforcement officer employed by:

20 “(A) The Federal Bureau of Investigation;

21 “(B) The United States Secret Service;

22 “(C) The United States Citizenship and Immigration Services;

23 “(D) The United States Marshals Service;

24 “(E) The Drug Enforcement Administration;

25 “(F) The United States Postal Service;

26 “(G) The United States Customs and Border Protection;

27 “(H) The United States General Services Administration;

28 “(I) The United States Department of Agriculture;

29 “(J) The Bureau of Alcohol, Tobacco, Firearms and Explosives;

30 “(K) The Internal Revenue Service;

31 “(L) The United States Department of the Interior; or

32 “(M) Any federal agency if the person is empowered to effect an arrest with or without warrant
33 for violations of the United States Code and is authorized to carry firearms in the performance of
34 duty.

35 “(i) An employee of the Department of Human Services or the Oregon Health Authority whose
36 duties include personal contact with clients or patients of the department or the authority.

37 “(j) Any judge of a court of this state.

38 “(k) An employee of the Oregon Youth Authority whose duties include personal contact with
39 persons committed to the legal or physical custody of the authority.

40 “(L) A district attorney, as defined in ORS 131.005, or deputy district attorney.

41 “(m) An employee who provides educational services to persons who are clients or patients of
42 the Department of Human Services or the Oregon Health Authority, who are under the jurisdiction
43 of the Psychiatric Security Review Board or who are under the custody or supervision of the De-
44 partment of Corrections, the State Board of Parole and Post-Prison Supervision, a community cor-
45 rections agency, the Oregon Youth Authority or a juvenile department. As used in this paragraph,

1 'employee who provides educational services' means a person who provides instruction, or services
2 related to the instruction, of a subject usually taught in an elementary school, a secondary school
3 or a community college or who provides special education and related services in other than a
4 school setting and who works for:

5 "(A) An education service district or a community college district; or

6 "(B) A state officer, board, commission, bureau, department or division in the executive branch
7 of state government that provides educational services.

8 "(n) An employee of the Oregon Liquor Control Commission who is:

9 "(A) A [*liquor enforcement inspector*] **regulatory specialist**; or

10 "(B) A regulatory manager.

11 "(o) A police officer as defined in ORS 801.395.

12 "(p) An employee whose duties include personal contact with criminal offenders and who is
13 employed by a law enforcement unit, as defined in ORS 181.610.

14
15 **"(Operative March 1, 2016)**

16
17 **"SECTION 168.** ORS 181.534 is amended to read:

18 "181.534. (1) As used in this section:

19 "(a) 'Authorized agency' means state government as defined in ORS 174.111 and the Oregon
20 State Bar. 'Authorized agency' does not include:

21 "(A) The Oregon State Lottery Commission or the Oregon State Lottery; or

22 "(B) A criminal justice agency, as defined in ORS 181.010, that is authorized by federal law to
23 receive fingerprint-based criminal records checks from the Federal Bureau of Investigation.

24 "(b) 'Subject individual' means a person from whom an authorized agency may require finger-
25 prints pursuant to statute for the purpose of enabling the authorized agency to request a state or
26 nationwide criminal records check.

27 "(2) An authorized agency may request that the Department of State Police conduct a criminal
28 records check on a subject individual for non-criminal justice purposes. If a nationwide criminal
29 records check of a subject individual is necessary, the authorized agency may request that the De-
30 partment of State Police conduct the check, including fingerprint identification, through the Federal
31 Bureau of Investigation.

32 "(3) The Department of State Police shall provide the results of a criminal records check con-
33 ducted pursuant to subsection (2) of this section to the authorized agency requesting the check.

34 "(4) The Federal Bureau of Investigation shall return or destroy the fingerprint cards used to
35 conduct the criminal records check and may not keep any record of the fingerprints. If the federal
36 bureau policy authorizing return or destruction of the fingerprint cards is changed, the Department
37 of State Police shall cease to send the cards to the federal bureau but shall continue to process the
38 information through other available resources.

39 "(5) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of
40 State Police, the department shall destroy the fingerprint cards and shall retain no facsimiles or
41 other material from which a fingerprint can be reproduced.

42 "(6) If only a state criminal records check is conducted, the Department of State Police shall
43 destroy the fingerprint cards after the criminal records check is completed and the results of the
44 criminal records check provided to the authorized agency and shall retain no facsimiles or other
45 material from which a fingerprint can be reproduced.

1 “(7) An authorized agency may conduct criminal records checks on subject individuals through
2 the Law Enforcement Data System maintained by the Department of State Police in accordance with
3 rules adopted, and procedures established, by the Department of State Police.

4 “(8) An authorized agency and the Department of State Police shall permit a subject individual
5 for whom a fingerprint-based criminal records check was conducted to inspect the individual’s own
6 state and national criminal offender records and, if requested by the subject individual, provide the
7 individual with a copy of the individual’s own state and national criminal offender records.

8 “(9) Each authorized agency, in consultation with the Department of State Police, shall adopt
9 rules to implement this section and other statutes relating to criminal offender information obtained
10 through fingerprint-based criminal records checks. The rules shall include but need not be limited
11 to:

12 “(a) Identifying applicable categories of subject individuals as specified by the Oregon Depart-
13 ment of Administrative Services under ORS 181.547 who are subject to criminal records checks by
14 the authorized agency.

15 “(b) Identifying applicable information that may be required from a subject individual to permit
16 a criminal records check as specified by the Oregon Department of Administrative Services under
17 ORS 181.547.

18 “(c) Specifying which programs or services are subject to this section.

19 “(d) If the authorized agency uses criminal records checks for agency employment purposes:

20 “(A) Determining when and under what conditions a subject individual may be hired on a pre-
21 liminary basis pending a criminal records check; and

22 “(B) Defining the conditions under which a subject individual may participate in training, ori-
23 entation and work activities pending completion of a criminal records check.

24 “(e) Establishing fees in an amount not to exceed the actual cost of acquiring and furnishing
25 criminal offender information.

26 “(10) The Department of State Police shall verify that an authorized agency has adopted the
27 rules required by subsection (9) of this section.

28 “(11)(a) Except as otherwise provided in ORS 181.612, 342.143, 342.223, 443.735 and ~~475.304~~
29 **475.300 to 475.346** and paragraph (b) of this subsection, an authorized agency, using the rules
30 adopted by the authorized agency under subsection (9) of this section and the rules adopted by the
31 Oregon Department of Administrative Services under ORS 181.547, shall determine whether a sub-
32 ject individual is fit to hold a position, provide services, be employed or be granted a license, cer-
33 tification, registration or permit, based on the criminal records check obtained pursuant to this
34 section, on any false statements made by the individual regarding the criminal history of the indi-
35 vidual and on any refusal to submit or consent to a criminal records check including fingerprint
36 identification. If a subject individual is determined to be unfit, then the individual may not hold the
37 position, provide services, be employed or be granted a license, certification, registration or permit.

38 “(b) An individual prohibited from receiving public funds for employment under ORS 443.004 (3)
39 is not entitled to a determination of fitness as a subject individual under paragraph (a) of this sub-
40 section.

41 “(c)(A) Subject to subparagraph (B) of this paragraph, an authorized agency making a fitness
42 determination of an individual under this subsection may request results of a previously made fitness
43 determination from an authorized agency that has already made a fitness determination for the in-
44 dividual. An authorized agency that receives a request under this paragraph shall provide the re-
45 quested information.

1 “(B) An authorized agency may make a request under this paragraph only for individuals:
2 “(i) Who are applying to hold a position, provide services, be employed or be granted a license,
3 certification, registration or permit;
4 “(ii) Who are in a category of individuals as specified by the Oregon Department of Adminis-
5 trative Services under ORS 181.547; and
6 “(iii) For whom a fitness determination has already been made.
7 “(12) Except as otherwise provided in ORS 181.612, in making the fitness determination under
8 subsection (11) of this section, the authorized agency shall consider:
9 “(a) The nature of the crime;
10 “(b) The facts that support the conviction or pending indictment or that indicate the making of
11 the false statement;
12 “(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the
13 subject individual’s present or proposed position, services, employment, license, certification or reg-
14 istration; and
15 “(d) Intervening circumstances relevant to the responsibilities and circumstances of the position,
16 services, employment, license, certification, registration or permit. Intervening circumstances in-
17 clude but are not limited to:
18 “(A) The passage of time since the commission of the crime;
19 “(B) The age of the subject individual at the time of the crime;
20 “(C) The likelihood of a repetition of offenses or of the commission of another crime;
21 “(D) The subsequent commission of another relevant crime;
22 “(E) Whether the conviction was set aside and the legal effect of setting aside the conviction;
23 and
24 “(F) A recommendation of an employer.
25 “(13) An authorized agency and an employee of an authorized agency acting within the course
26 and scope of employment are immune from any civil liability that might otherwise be incurred or
27 imposed for determining, pursuant to subsection (11) of this section, that a subject individual is fit
28 or not fit to hold a position, provide services, be employed or be granted a license, certification,
29 registration or permit. An authorized agency and an employee of an authorized agency acting within
30 the course and scope of employment who in good faith comply with this section are not liable for
31 employment-related decisions based on determinations made under subsection (11) of this section.
32 An authorized agency or an employee of an authorized agency acting within the course and scope
33 of employment is not liable for defamation or invasion of privacy in connection with the lawful dis-
34 semination of information lawfully obtained under this section.
35 “(14)(a) Each authorized agency shall establish by rule a contested case process by which a
36 subject individual may appeal the determination that the individual is fit or not fit to hold a posi-
37 tion, provide services, be employed or be granted a license, certification, registration or permit on
38 the basis of information obtained as the result of a criminal records check conducted pursuant to
39 this section. Challenges to the accuracy or completeness of information provided by the Department
40 of State Police, the Federal Bureau of Investigation and agencies reporting information to the De-
41 partment of State Police or Federal Bureau of Investigation must be made through the Department
42 of State Police, Federal Bureau of Investigation or reporting agency and not through the contested
43 case process required by this paragraph.
44 “(b) A subject individual who is employed by an authorized agency and who is determined not
45 to be fit for a position on the basis of information obtained as the result of a criminal records check

1 conducted pursuant to this section may appeal the determination through the contested case process
2 adopted under this subsection or applicable personnel rules, policies and collective bargaining pro-
3 visions. An individual's decision to appeal a determination through personnel rules, policies and
4 collective bargaining provisions is an election of remedies as to the rights of the individual with
5 respect to the fitness determination and is a waiver of the contested case process.

6 “(c) An individual prohibited from receiving public funds for employment under ORS 443.004 (3)
7 is not entitled to appeal a determination under paragraph (a) or (b) of this subsection.

8 “(15) Criminal offender information is confidential. Authorized agencies and the Department of
9 State Police shall adopt rules to restrict dissemination of information received under this section to
10 persons with a demonstrated and legitimate need to know the information.

11 “(16) If a subject individual refuses to consent to the criminal records check or refuses to be
12 fingerprinted, the authorized agency shall deny the employment of the individual, or revoke or deny
13 any applicable position, authority to provide services, license, certification, registration or permit.

14 “(17) If an authorized agency requires a criminal records check of employees, prospective em-
15 ployees, contractors, vendors or volunteers or applicants for a license, certification, registration or
16 permit, the application forms of the authorized agency must contain a notice that the person is
17 subject to fingerprinting and a criminal records check.

18 “**SECTION 169.** ORS 181.537 is amended to read:

19 “181.537. (1) As used in this section:

20 “(a) ‘Care’ means the provision of care, treatment, education, training, instruction, supervision,
21 placement services, recreation or support to children, the elderly or persons with disabilities.

22 “(b) ‘Native American tribe’ has the meaning given that term in ORS 181.538 (4).

23 “(c) ‘Qualified entity’ means a community mental health program, a community developmental
24 disabilities program, a local health department, the government of a Native American tribe or an
25 agency of a Native American tribe responsible for child welfare or an individual or business or or-
26 ganization, whether public, private, for-profit, nonprofit or voluntary, that provides care, including
27 a business or organization that licenses, certifies or registers others to provide care.

28 “(2) For the purpose of requesting a state or nationwide criminal records check under ORS
29 181.534, the Department of Human Services, the Oregon Health Authority and the Employment De-
30 partment may require the fingerprints of a person:

31 “(a) Who is employed by or is applying for employment with either department or the authority;

32 “(b) Who provides or seeks to provide services to either department or the authority as a con-
33 tractor, subcontractor, vendor or volunteer who:

34 “(A) May have contact with recipients of care;

35 “(B) Has access to personal information about employees of either department or the authority,
36 recipients of care from either department or the authority or members of the public, including Social
37 Security numbers, dates of birth, driver license numbers, medical information, personal financial in-
38 formation or criminal background information;

39 “(C) Has access to information the disclosure of which is prohibited by state or federal laws,
40 rules or regulations, or information that is defined as confidential under state or federal laws, rules
41 or regulations;

42 “(D) Has access to property held in trust or to private property in the temporary custody of the
43 state;

44 “(E) Has payroll or fiscal functions or responsibility for:

45 “(i) Receiving, receipting or depositing money or negotiable instruments;

1 “(ii) Billing, collections, setting up financial accounts or other financial transactions; or
2 “(iii) Purchasing or selling property;
3 “(F) Provides security, design or construction services for government buildings, grounds or fa-
4 cilities;
5 “(G) Has access to critical infrastructure or secure facilities information; or
6 “(H) Is providing information technology services and has control over or access to information
7 technology systems;
8 “(c) For the purposes of licensing, certifying, registering or otherwise regulating or administer-
9 ing programs, persons or qualified entities that provide care;
10 “(d) For the purposes of employment decisions by or for qualified entities that are regulated or
11 otherwise subject to oversight by the Department of Human Services or the Oregon Health Au-
12 thority and that provide care;
13 “(e) For the purposes of employment decisions made by a mass transit district or transportation
14 district for qualified entities that, under contracts with the district or the Oregon Health Authority,
15 employ persons to operate motor vehicles for the transportation of medical assistance program cli-
16 ents; or
17 “(f) For the purposes of licensure, certification or registration of foster homes by the govern-
18 ment of a Native American tribe or an agency of a Native American tribe responsible for child
19 welfare.
20 “(3) The Department of Human Services and the Oregon Health Authority may conduct criminal
21 records checks on a person through the Law Enforcement Data System maintained by the Depart-
22 ment of State Police, if deemed necessary by the Department of Human Services or the Oregon
23 Health Authority to protect children, elderly persons, persons with disabilities or other vulnerable
24 persons.
25 “(4) The Department of Human Services and the Oregon Health Authority may furnish to qual-
26 ified entities, in accordance with the rules of the Department of Human Services or the Oregon
27 Health Authority and the rules of the Department of State Police, information received from the
28 Law Enforcement Data System. However, any criminal offender records and information furnished
29 to the Department of Human Services or the Oregon Health Authority by the Federal Bureau of
30 Investigation through the Department of State Police may not be disseminated to qualified entities.
31 “(5)(a) Except as otherwise provided in ORS 443.735 and ~~[475.304]~~ **475.300 to 475.346**, a qualified
32 entity, using rules adopted by the Department of Human Services or the Oregon Health Authority
33 under ORS 181.534 (9) and rules adopted by the Oregon Department of Administrative Services un-
34 der ORS 181.547, shall determine under this section whether a person is fit to hold a position, pro-
35 vide services, be employed or, if the qualified entity has authority to make such a determination,
36 be licensed, certified or registered, based on the criminal records check obtained pursuant to ORS
37 181.534, any false statements made by the person regarding the criminal history of the person and
38 any refusal to submit or consent to a criminal records check including fingerprint identification. If
39 a person is determined to be unfit, then that person may not hold the position, provide services or
40 be employed, licensed, certified or registered.
41 “(b) A person prohibited from receiving public funds for employment under ORS 443.004 (3) is
42 not entitled to a determination of fitness under paragraph (a) of this subsection.
43 “(6) In making the fitness determination under subsection (5) of this section, the qualified entity
44 shall consider:
45 “(a) The nature of the crime;

1 “(b) The facts that support the conviction or pending indictment or indicate the making of the
2 false statement;

3 “(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the
4 person’s present or proposed position, services, employment, license, certification or registration;
5 and

6 “(d) Intervening circumstances relevant to the responsibilities and circumstances of the position,
7 services, employment, license, certification or registration. Intervening circumstances include but
8 are not limited to the passage of time since the commission of the crime, the age of the person at
9 the time of the crime, the likelihood of a repetition of offenses, the subsequent commission of an-
10 other relevant crime and a recommendation of an employer.

11 “(7) The Department of Human Services, the Oregon Health Authority and the Employment
12 Department may make fitness determinations based on criminal offender records and information
13 furnished by the Federal Bureau of Investigation through the Department of State Police only as
14 described in ORS 181.534.

15 “(8) A qualified entity and an employee of a qualified entity acting within the course and scope
16 of employment are immune from any civil liability that might otherwise be incurred or imposed for
17 determining pursuant to subsection (5) of this section that a person is fit or not fit to hold a position,
18 provide services or be employed, licensed, certified or registered. A qualified entity, employee of a
19 qualified entity acting within the course and scope of employment and an employer or employer’s
20 agent who in good faith comply with this section and the decision of the qualified entity or employee
21 of the qualified entity acting within the course and scope of employment are not liable for the fail-
22 ure to hire a prospective employee or the decision to discharge an employee on the basis of the
23 qualified entity’s decision. An employee of the state acting within the course and scope of employ-
24 ment is not liable for defamation or invasion of privacy in connection with the lawful dissemination
25 of information lawfully obtained under this section.

26 “(9) The Department of Human Services and the Oregon Health Authority, subject to rules
27 adopted by the Oregon Department of Administrative Services under ORS 181.547, shall develop
28 systems that maintain information regarding criminal records checks in order to minimize the ad-
29 ministrative burden imposed by this section and ORS 181.534. Records maintained under this sub-
30 section are confidential and may not be disseminated except for the purposes of this section and in
31 accordance with the rules of the Department of Human Services, the Oregon Health Authority and
32 the Department of State Police. Nothing in this subsection permits the Department of Human Ser-
33 vices to retain fingerprint cards obtained pursuant to this section.

34 “(10) In addition to the rules required by ORS 181.534, the Department of Human Services and
35 the Oregon Health Authority, in consultation with the Department of State Police, shall adopt rules:

36 “(a) Specifying which qualified entities are subject to this section;

37 “(b) Specifying which qualified entities may request criminal offender information;

38 “(c) Specifying which qualified entities are responsible for deciding, subject to rules adopted by
39 the Oregon Department of Administrative Services under ORS 181.547, whether a subject individual
40 is not fit for a position, service, license, certification, registration or employment; and

41 “(d) Specifying when a qualified entity, in lieu of conducting a completely new criminal records
42 check, may proceed to make a fitness determination under subsection (5) of this section using the
43 information maintained by the Department of Human Services and the Oregon Health Authority
44 pursuant to subsection (9) of this section.

45 “(11) If a person refuses to consent to the criminal records check or refuses to be fingerprinted,

1 the qualified entity shall deny or terminate the employment of the person, or revoke or deny any
2 applicable position, authority to provide services, employment, license, certification or registration.

3 “(12) If the qualified entity requires a criminal records check of employees or other persons, the
4 application forms of the qualified entity must contain a notice that employment is subject to fin-
5 gerprinting and a criminal records check.

6
7 **“ANNUAL REPORT**
8 **“EFFECTIVE ON PASSAGE**

9
10 **“SECTION 170. (1) As used in this section, ‘marijuana’ and ‘marijuana item’ have the**
11 **meanings given those terms in section 5, chapter 1, Oregon Laws 2015.**

12 **“(2) On or before February 1 of each odd-numbered year, the Oregon Liquor Control**
13 **Commission shall report to the Legislative Assembly in the manner required by ORS 192.245,**
14 **the approximate amount of marijuana produced by persons who hold a license under section**
15 **19, chapter 1, Oregon Laws 2015, and the approximate amount of marijuana items sold by**
16 **persons who hold a license under section 22, chapter 1, Oregon Laws 2015, and whether the**
17 **supply of marijuana in this state is commensurate with the demand for marijuana items in**
18 **this state.**

19
20 **“TEMPORARY PROVISIONS**
21 **“EFFECTIVE ON PASSAGE**

22
23 **“SECTION 171. The Oregon Liquor Control Commission shall approve or deny applica-**
24 **tions submitted to the commission under section 18, chapter 1, Oregon Laws 2015, to**
25 **produce, process or sell marijuana under sections 19, 20, 21 and 22, chapter 1, Oregon Laws**
26 **2015, as soon as practicable after January 4, 2016.**

27 **“SECTION 172. On or before January 1, 2017, the Oregon Liquor Control Commission:**

28 **“(1) Shall examine available research, and may conduct or commission new research, to**
29 **investigate the influence of marijuana on the ability of a person to drive a vehicle and on the**
30 **concentration of delta-9-tetrahydrocannabinol in a person’s blood, in each case taking into**
31 **account all relevant factors; and**

32 **“(2) In the manner provided by ORS 192.245, shall present the results of the research,**
33 **including any recommendations for legislation, to the interim committees of the Legislative**
34 **Assembly related to judiciary.**

35 **“SECTION 173. (1) The Oregon Health Authority, in addition to the information required**
36 **under ORS 475.304 for registering as a marijuana grow site or renewing a marijuana grow**
37 **site registration, and in addition to information required under ORS 475.314 for registering**
38 **as a medical marijuana dispensary or renewing a medical marijuana dispensary registration,**
39 **shall require all applications for registering or renewing registration under ORS 475.304 and**
40 **475.314 to contain proof that any person whose name is included in the application has been**
41 **a resident of this state for:**

42 **“(a) Except as provided in paragraph (b) of this subsection, two or more years; or**

43 **“(b) Subject to subsection (2) of this section, and notwithstanding any residency re-**
44 **quirements under ORS 475.304 or 475.314, if the person first registered with the authority on**
45 **or before January 1, 2015, one year.**

1 authority and departments by sections 3, 4, 10, 13, 17 to 23, 26, 29 to 32, 34, 91 to 112, 114 and
2 116 of this 2015 Act and the amendments to statutes and session law by sections 1, 2, 5 to
3 9, 11, 12, 14 to 16, 24, 25, 27, 28, 33, 35 to 68, 115 and 137 to 167 of this 2015 Act.

4 “SECTION 179. (1) Sections 81a, 82a, 83, 85 to 85e, 86b to 87 and 88 to 88f of this 2015 Act,
5 the amendments to statutes and session law by sections 80 to 80b, 81, 82, 84, 86, 87a, 87b, 89
6 to 90i, 168 and 169 of this 2015 Act and the repeal of ORS 475.324 by section 175a of this 2015
7 Act become operative on March 1, 2016.

8 “(2) The Oregon Health Authority, the Oregon Liquor Control Commission and the State
9 Department of Agriculture may take any action before the operative date specified in sub-
10 section (1) of this section that is necessary to enable the authority, commission and depart-
11 ment to exercise, on and after the operative date specified in subsection (1) of this section,
12 all the duties, powers and functions conferred on the authority, commission and department
13 by sections 81a, 82a, 83, 85 to 85e, 86b to 87 and 88 to 88f of this 2015 Act and the amendments
14 to statutes and session law by sections 80 to 80b, 81, 82, 84, 86, 87a, 87b, 89 to 90i, 168 and 169
15 of this 2015 Act.

16 “SECTION 180. The Oregon Health Authority shall adopt rules that the authority is
17 charged with adopting under sections 91 to 112 of this 2015 Act on or before November 15,
18 2015.

19
20 “CAPTIONS

21
22 “SECTION 181. The unit captions used in this 2015 Act are provided only for the con-
23 venience of the reader and do not become part of the statutory law of this state or express
24 any legislative intent in the enactment of this 2015 Act.

25
26 “EMERGENCY CLAUSE

27
28 “SECTION 182. This 2015 Act being necessary for the immediate preservation of the
29 public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes
30 effect on its passage.”.